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RECORDS

OF

MASSACHUSETTS.

VOL. II.

1642–1649.

Massachusetts Bay colony

RECORDS

OF

THE GOVERNOR AND COMPANY

OF THE

MASSACHUSETTS BAY

IN

NEW ENGLAND.

PRINTED BY ORDER OF THE LEGISLATURE.

EDITED BY

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VOL. II.

1642—1649.

BOSTON:

FROM THE PRESS OF WILLIAM WHITE,

PRINTER TO THE COMMONWEALTH.

1853.

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REMARKS.

This second volume of the printed records comprises all that is contained in the second volume of manuscript Colony Records. All the general remarks which relate to the first volume are equally applicable to this.

The names of such as took the oath of freemen from 1642 to 1649, inclusive, have been collected together and printed at the end of the volume, and have an index immediately following that of general subjects.

The miscellaneous orders which appertain to the period embraced in this volume are recorded in a book appropriated for that purpose, and which is numbered as the third volume of Colony Records.

N. B. S.

November, 1853.

MARKS AND CONTRACTIONS.

A Dash ¯ (or straight line) over a letter indicates the omission of the letter following the one marked.

A Curved Line ~ indicates the omission of one or more letters next following the one marked.

A Superior Letter indicates the omission of contiguous letters, either preceding or following it.

A Caret ^ indicates an omission in the original record.

A Cross × indicates a lost or unintelligible word.

All doubtful words supplied by the editor are included between brackets, [ ].

Some redundancies in the original record are printed in Italics.

Some interlineations, that occur in the original record, are put between parallels, ‖ ‖.

Several characters have special significations, namely : —

@, — annum, anno.
ƀ, — ber, — numƀ, number ; Roƀt, Robert.
c̃, — ci, ti, — ac̃on, action.
c̃o̊, — tio, — jurisdic̃o̊n, jurisdiction.
c̊, — cre, cer, — ac̊s, acres.
ẽ, — Trẽr, Treasurer.
ē, — committē, committee.
đ, — đđ, delivered.
ħ, — cħr, charter.
ŧ, — ŧre, letter.
m̄, — mm, mn, — com̄ittee, committee.
m̃, — recom̃dac̃o̊n, recommendation.
m̊, — mer, — form̊ly, formerly.
m̊, — month.
n̄, — nn, — Pen̄, Penn ; año, anno.
ñ, — Dñi, Domini.
n̊, — ner, — mann̊, manner.
o̅, — on, — mentio̅, mention.
õ, — mõ, month.
p̃, — par, por, — p̃t, part ; p̃tion, portion.
ꝑ, — per, — ꝑson, person.
ꝓ, — pro, — ꝓporc̃o̊n, proportion.
ꝑ, — pre, — ꝑsent, present.
q̃, — qstion, question.
q̃, — esq̃, esquire.
r̃, — Apr̃, April.
t̃, — capt̃, captain.
ũ, — uer, — seũal, seueral.
v̊, — ver, — sev̊al, several.
y^e, the ; y^m, them ; y^n, then ; y^r, their ; y^s, this ; y^t, that.
ȩ, — es, et, — statutȩ, statutes.
ȩc̊, — et cætera.
viz ſ, — videlicet, namely.
./ — full point.
ʸ, used by Secretary Nowell before figures for a pound mark.

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THE COLONY RECORDS.

1642—1649.

THE RECORDS OF THE COLONY OF THE MASSACHUSETTS BAY IN NEW ENGLAND.

[Here commences the manuscript of the second volume of the Massachusetts Colony Records. The first portion of the volume is lost, and the first eighteen pages of what remains are in a very decayed condition. By the aid of an ancient transcript of the volume, made apparently very early in the eighteenth century, and by a duplicate leaf in the handwriting of the Secretary who wrote the volume, the decayed portions have been nearly restored. The volume is mainly in the chirography of Secretary Nowell, although occasionally passages, and sometimes pages, are in that of Mr. Edward Rawson, who succeeded Mr. Nowell as Secretary in 1650.]

1642. WHEREAS the country is put to great charge by the Courts attendance vpon suites comenced or renewed by either appeales, petition, &c, it is ordered, that in all such cases, if it shall appeare to the Co^rt that the plaint in any such action of appeale, petition, &c, &c, in any Co^rt, hath no iust cause of any such proceeding, they shall take order that the said plaintiff shall beare all the charges of the Co^rt w^ch they shall iudge to have beein expended by his occation, & may further impose a fine vpon him if the merrit of the cause shall so require; & if they shall finde the defendant in fault, they shall impose the charges vpon such defendant./

[*1.] Ord^r about hue ency^s.

William Aspinwall, upon his petition & cirtifficat of his good carriage, is restored againe to his former liberty & freedome./

The Court left it to the liberty of the townes to send but a deputy a peece, if they please, to the next session of this Court./

The marshall hath leave to go to Coñecticut, leaning a deputy./

The beaver trad^rs are appointed to bring in what is due to the countrey at the next session./

Edward Bendall hath liberty to make vse of any of the cables, & other things belonging to the worke, as he needeth, alowing for the hurt of them./

Gregory Taylo^r, being chosen constable of Water Towne, tooke his oath to discharge that place./

George Story undertook for Rich^rd Sherman that if he shalbee cast, what cost shalbee ceased he will beare it./

1642. Thomas Joanes, servant to Willi: Richrdson, hath librty to dispose of himselfe./

Mr William Hauthorne is dismissed for the present, and enjoyned to appear againe when the Cort shall call for him./

3 May. 3th 3th m, 1642.

×93– Wee, whose names are under written, have determined and agreed wth the consent of Ipswich, Cape Ann, & Jefferies Creeke, that their bounds shall lye as followeth: That all the land lyinge between Ipswich & Cape Ann meeting house shall be divided, 6 miles to Ipswich & 4 miles to Cape Ann, where there are 10 miles, and so by proportion where less, — that is, by fifths, 3 parts to Ipswich for 2 to Cape Ann, — & where there is more than 10 miles, the remainder to lye to Jefferies Creeke, and this to be measured before the next Generall Court./

WILLIAM HAUTHORNE,
EDWARD HOLLIOKE,
MATTHEW BOYES.

According to the former agreement above written, the bounds between Cape Ann and Ipswich have been determined, vizt, at a white oake, marked on 4 ||both|| sides, about 12 ||14|| rod in a south east and east line, betwixt the 2 meeting houses, to the southward of Chebacco Marshes; & from that tree, by quartering the compass by a south west & by south, & by a north east & by north lyne, to be bounded betwixt the two plantations above mentioned./

WILLIAM ANDRES, JOHN TUTTLE,
GEORGE NORTON, ROBERT LORD,
WALTER TIBBET, JOHN GAGE.

[*2.] *The cause of John ^ is referred to the Gouernr & Mr Bellingham to heare & determine./

It is ordered & declared to bee the meaning of this Court, that no oathe of matrat, counseller, or any other officer shall bind him any further or longer then hee is resident or inhabiting within this iurisdiction./

It is declared by this Cort, that the selected townes men haue power to lay out ptticuler & private wayes concrning their owne towne onely, so as no damage bee done to any man, but dewe recompence to be given by the iudgmt of the said townes men, or, if the pty desire it, then by 2 chosen by the townesmen & two by the pty; & so, if any man shall find himselfe greived, hee may seeke redresse in any Courte./

1642.

Samuell Winsley is granted sixe months time longer for the begiñing of his salt works./

Winsley's salt workes.

Comission is granted to Capt̃ Wiggen, Mr Edward Hilton, Mr Wonnerton, & Mr William Walderne to bee assistant to such of the matrats or others as shalbee sent, either by this Cort or by agrement & order of the matrats, or the greater number of them, to keep Cort at Pascataq, & out of Cort to see to the ꝑserving of the peace, & to have and exercise such power wthin or limits at Pascataqua as any one matrate of this iurisdiction usually doth & lawfully may exercise out of Cort; this comission to continew till this Cort take further order; & that it shalbee in the power of any Cort there to admit & sweare freemen, so they bee qualified according to law, so as there bee one of the matrats at the least ꝑsent, & an oath shalbee given to the said associates for ye discharge of the duty of their place./

×44–

Comission to magist at Pascataqua, &c̃.

This Courte considering that a booke now broght into this Cort concerning the institution & authority, &c, of the standing councell, written by Mr Richrd Saltonstall at such time as the genrall warrant was given to every freeman to give their advice to any of the deputies concerning the institution & power of the standing councell, &c, & that accordingly hee did deliver the same to one of the deputies within the time limitted, this Court doth hereby discharge him from any censure or further enquiry by this or any other Court concerning the same./

Mr Rich: Saltonstall releced.

The Oath of the Associates.

Associates oath.

Yu shall do × and justice in all cases that shall come before you, × × your best skill & knowledge, according to the lawes here established./

By vertue of an order of Gennerall Court, wee whose names ar vnder written, comissioners for the laying out of a plantation at Nantasket, doe order & dispose the same in manner following: first, Jerrimiah Bellamy, John Colljer, Nathanj: Baker, Edmond Bosworth, John Prince, Nathani: Bosworth, Edward Bunn, Thomas Colljer, Richard Stubbs, Thomas Chaffey, Willjam Kerly, and John Stodder *shallbe admitted as planters, and to take their house lotts for building of houses in the valley betwixt the two hills next Pedocks Iland, to the valeu of two acres for each house, so that there may ly thirty two lotts at least betwixt the said two hills, the ꝑsons aboue to take all their lotts on one side of the said valley, to begin at either end of that side, as they shall thinke fitt, by agreement, or else ꝑ lott, the said lots to be and lye onely fiue rodds broade vp against the hill, wch they chuse, these persons to haue each two akers of medowe, as they shalbee herafter signed, & also each

[*3.]

1642. of them to have four acres of planting land at Peddock's Iland, to bee laid out when the plantation shall be fuller ; in the meane time, if any have need to plant, they may plant where they thinke fitt ; and when it shallbe allotted and lajd out in ꝑpriety, those that have planted, if in casting lotts they bee put from such lands as they haue planted, they are to bee allowed for their labour they haue been at by those w^ch^ shall possesse their lotts afterwards ; the beaches and places on Nantaskott or any of the isleands that may bee fitt for setting up of stages for fishing to be left free for such purpose for these or any other persons that shall set on such a work, and the plantation to be possessed & enioyed by the persons aforesajd according to the order of Co^rt^ above specifyed. Dated the 9^th^ of y^e^ 2^d^ m̊, 1642./

NATHANAEL DUNCAN,
WILLIAM PARKS,
ISRAEL STOUGHTON,
JOHN GLOUER.

The Court was adiourned to the 14^th^ of the 4^th^ m̊ next ensuing./

14 June. *(4) 14.*

Thom: Briant, servant to M^r^ Allerton, hauing been imprisoned neare 2 months, was discharged from prison w^th^out whipping, and sent to M^r^ Moses Mavericke to be imployed for his master./

Crumwells girle, of Newberry, is referred to Ipswich Court./

497- This Co^rt^, taking into consideration the great neglect of many parents & masters in training up their children in learning, & labo^r^, & other implyments which may be proffitable to the common wealth, do hereupon order and decree, that in euery towne y^e^ chosen men appointed for managing the prudentiall affajrꝛs of the same shall henceforth stand charged with the care of the redresse of this evill, so as they shalbee sufficiently punished by fines for the neglect thereof, upon presentment of the grand iury, or other information or complaint in any Court within this iurisdiction ; and for this end they, or the greater numbe^r^ of them, shall have power to take account from time to time of all parents and masters, and of their children, concerning their calling and implyment of their children, especially of their ability to read & understand the principles of religion & the capitall lawes of this country, and to impose fines upon such as shall refuse to render such accounts to them when they shall be required ; and they shall have power, with consent of any Court or the magistrate, to put forth apprentices the children of such as they shall

[find] *not to be able & fitt to imploy and bring them up. They shall take × × × × × × × × imploying them × × up, nor shall take co^rse to dispose of × themselues; and they are to take care of such as are sett to keep cattle be set to some other imploym^t w^thall, as spinning upon the rock, knitting, weaving tape, &c, & that boyes & girles be not suffered to converse together, so as may occasion any wanton, dishonest, or im̄odest behavio^r; & for their better performance of this trust com̄itted to them, they may divide the towne amongst them, appointing to every of the said townesmen a certaine number of families to have special oversight of. They are also to ꝑvide that a sufficient quantity of materialls, as hemp, flaxe, &c^ra, may be raised in their severall townes, & tooles & implements provided for working out the same; & for their assistance in this so needfull and beneficiall imploym^t, if they meete w^th any difficulty or opposition w^ch they cannot well master by their own power, they may have reco^rse to some of the ma^trats, who shall take such course for their help & incuragm^t as the occasion shall require according to iustice; & the said townsmen, at the next Co^rt in those limits, after the end of their year, shall give a breife account in writing of their ꝓceedings herein, ꝑvided that they have bene so required by some Co^rt or magistrate a month at least before; & this order to continew for two yeares, & till the Co^rt shall take further order./ 1642. 14 June. [*4.]

This Co^rt will nót proceede to iudgm^t in any criminall cause ag^t any ꝑson, nor in any civil cause between p̃ty & p̃ty, w^thout taking the oath here under written, viz^: 498–

I do sweare, &c^ra, that in all causes wherein I am to deliver my vote or sentence against any person upon any criminall offence, or between p̃ties in any civill cause, I will deale uprightly & iustly, according to my iudgme^t & conscience; & I will, according to my skill and ability, assist in all the publike affaires of this Court faithfully & truely, according to the duty of my place, when I shall be ꝑsent to attend the service./ The oath. Duties.

M^r Edw^d Tinge, being chosen constable of Boston, took his oath./

It is ordered, that the clause in the order 358, for restraining publike brewers to sell by gross, is repealed./

M^r Parker, M^r Glover, and Goo: Bate are appointed a com̄itt̄e to settle high way at Brantree not yet set out, & to certify the Court./ Highway, Brantry.

The 4^th Day of the 4^th Month, 1640.

Whereas William Hauthorne, of Salem, & Edward Tomlyns, of Lynne, were chosen by the Generall Court to lay out the length of the bounds of Lynn bounds.

1642. 14 June. the town of Linn according to the Co^rts order, sixe miles from the meeting house, which accordingly hath beene performed the day and year above written, which we signify und^r our hands to extend from Charlestown bounds to the south end of the great pond at Linn village, and from thence to the great swamp adioining unto the great pond, and so to run from thence northward to the North River [toward] Salem bounds, these being the nearest marks by our measure we find to state the bounds./

EDWARD TOMLINS.

[Pages 5 and 6 of the original manuscript are a repetition of parts of pages 2, 3, and 4, which precede them, and are in the same handwriting.]

[*5.] *docks Iland, to the valew of two akers for each house, so that there may lye thirty two lotts at least betwixt the said two hills, the persons above mentioned to take all their lots on one side of the said valley, to begin at either end of that side, as they shall thinke fit, by agreement, or else by lotts, the said lots to bee & lye onely five rods broad up against the hill, w^ch they chuse, these persons to have each two akers of meadow, as they shalbee hearafter assigned, & also each of them to have four akers of planting land at Peddocks Iland, to bee layd out when the plantation shalbee fuller; in the meane time, if any have neede to plant, they may plant where they thinke fitt; & when it shalbee alloted & layd out in propriety, those that have planted, if in casting lots they bee put from such lands as they have planted, they are to bee alowed for their labo^r they have bene at by those w^ch shall posses their lots afterwards, the beaches & places on Nantaskot, or any of the ilands that may bee fit for seting up of stages for fishing, to bee left free for such purpose for these or any other persons that shall set on such a worke; & this plantation to bee possessed & enioyed by the persons aforesaid, according to the order of Co^rt above specified. Dated the 9^th of the 2^d m̊, 1642./

NATHANI: DUNCAN,
WILLI: PARKS,
ISRAELL STOUGHTON,
JOHN GLOVER.

The Co^rt was adiourned to the 14^th day of the 4^th m̊ next ensuing./

Thomas Briant, servant to M^r Allerton, haveing bene imprisoned near two months, was discharged from prison w^thout whiping, & sent to M^r Moses Maverick, to bee implied for his master./

Crumwells girle, of Newberry, is refered to Ipswich Co^rt./

497– This Co^rt, taking into consideration the great neglect in many parents & masters in training up their children in learning, & labo^r, & other imployments

w^ch may bee profitable to the common wealth, do hearupon order & decree, that in every towne the chosen men appointed for managing the prudenciall affaires of the same shall hencefourth stand charged w^th the care of the redresse of this evill, so as they shalbee liable to bee punished or fined for the neglect thereof, upon any ꝑsentment of the grand iurors, or other information or complaint in any plantations in this iurisdiction; & for this end they, or the greater part of them, shall have power to take accompt from time to time of their parents & masters, & of their children, conc^rning their calling & impliment of their children, especiallity of their ability to read & undestand the principles of religion and the capital lawes of the country, & to impose fines upon all those who refuse to render such accompt to them when required; & they shall have power (w^th consent of any Court or magistrates) to put fourth apprentice the children of such as shall not be able & fitt to employ & bring them up, nor shall take course to dispose of them, *of such as they shall find not to bee able & fit to imply & bring them up, nor shall take course to dispose of them themselues; & they are to take care that such as are set to keep cattle bee set to some other impliment w^thall, as spinning up on the rock, kniting, weveing tape, &c; & that boyes & girles bee not suffered to converse together, so as may occasion any wanton, dishonest, or im̃odest behavior; & for their better ꝑformance of this trust com̃itted to them, they may divide the towne amongst them, appointing to every of the said townsmen a certeine number of families to have speciall ov^rsight of; they are also to ꝑvide that a sufficient quantity of materialls, as hempe, flaxe, &c, may bee raised in their severall townes, & tooles & implements ꝑvided for working out the same; & for their assistance in this so needfull & beneficiall impliment, if they meete w^th any difficulty or opposition w^ch they cannot well master by their owne power, they may have reco^rse to some of the magistrates, who shall take such course for their help & incuragment as the occasion shall require, according to iustice; & the said townsmen, at the next Co^rt in those limits, after the end of their yeare, shall give a breife account in writing of their ꝓceedings hearin; provided, that they have bene so required by some Co^rt or magistrate a month at least before; & this order to continue for two yeares, & till the Court shall take furth^r order./ 1642. 14 June. [*6.]

This Co^rt will not proceed to iudgm^t in any criminall cause against any person, nor in any civill cause between party and party, w^thout taking the oathe hearunder written, viz^t:— 498–

I do sweare, &c, that in all causes wherin I am to deliver my vote or sentence against any person upon any criminall offence, or between parties in any civill cause, I will deale uprightly & iustly, according to my iudgment & The oath.

1642. conscience; & I will, according to my skill & ability, assist in all publike affaires of this Co^{rt} faithfully & truely, according to the duty of my place, when I shalbee ꝑsent to attend the service./

14 June.

M^{r} Edward Tinge, being chosen cunstable of Boston, tooke his oath./

499– It is ordered, that the clause in the order 358, for restraint of publike brewers to sell by grosse, is repealed./

M^{r} Parker, M^{r} Glover, & Goodm̃ Bate are appointed a com̃ittē to settle high wayes at Braintree, not yet set out, & to certify the Co^{rt}./

The 4th Day of the 4th m̊, 1640./

500– Lynn bounds. Whereas William Hathorne, of Salem, & Edw^{d} Tomlins, of Linn, were chosen by the Gen^{r}all Co^{rt} to lay out the length of the bounds of the towne of Linn, according to the Co^{r}ts order, of sixe miles from the meeting house, w^{ch} accordingly hath bene performed the day & yeare above written, w^{ch} wee signify under o^{r} hands, to extend from Charlestowne bounds to the south end of the great pond at Linn village, & from thence to the great swamp, adioyning unto the great pond, and so to run from thence northward to the North River [toward] Salem bounds, these being the nearest marks by our measure wee find to state the bounds./

WILLI: HATHORNE,
EDWARD TOMLINS.

[*7.] W^{m} Howard to g^{t} sum̃ons. *William Haward is appointed to grant sum̃ons, attachm^{ts}, & replevies in Hampton, in the place of Willi: Wakefeild./

Willi: Haward, John Crosse, & James Davies are appointed to end small businesses in Hampton, under 20sh^{s}./

Hamlins grant of 200 ac^{r}s. James Hamlin is granted 200 acres of ground for the 50^{t} đđ M^{r} Wareham by M^{r} Walter & James White, M^{r} Adw^{a} Anthony & M^{rs} Do: Mogered./

Capt̃ Wiggen his com̃ission for Pascataq is extended to Hampton./

Jeffery Wragg. Jéffrey Wragge is granted him 20sh^{s} out of the treasury, for his paines & care in fetching letters fro^{m} the eastward./

Shawshin. Wee, whose names are underwritten, being appointed to veiwe Shawshin, & to take notice of what fitness it was of for a village, & accordingly to o^{r} apprehentions make returne to the Co^{r}t, wee therefore manifest thus much: that for the quantity it is sufficient, but for the quality, in o^{r} app̃hensions, no way fit, the upland being very barren, & very little medow there about, nor any good timber almost fit for any use. Wee went, after wee came to Shawshin hovse, by estimation, some 14 or 16 miles at the least in compas; fro^{m}

Shawshin house wee began to go downe the ryver 4 or 5 miles near east, then wee left that point, & went neere upon north, came to Concord Kyver, a little belowe the falls, about one mile or neare; then wee went up the ryver some 5 miles, untill wee came to a place called the Two Brethren; & fro^{m} thence it is about two miles & $\frac{1}{2}$ to Shawshin, & the most p^{t} of all the good land is given out already: more land there is at the south side of the house, between the side of Concord line & the heade of Cambridge line, but littell medow, & the upland of little worth; & this is that wee can say hearin./ 1642. 14 June.

SYMON WILLARD,
EDW^{D} CONVERS.

It is ordered, that for deciding the difference between the 2 villages of Charlestowne & Linn, & for accō̄modating of both according to the intent of the Co^{r}t, Capt̄ Cooke, M^{r} John Oliver, & Goo: Nathani: Woodward shall veiwe the place in question, & take the length of Charlestowne, 8 mile line by exact measure, & set downe the bounds between the said 2 villages as may bee most convenient for both, & certify this Co^{r}t of that they shall do hearin./ Comittee for divission of Lynn, Charls Towne villag^{s}.

Vpon petition of M^{r} John Glover & other of Dorchester, for improvem^{t} of a supposed mine in Neipnett, about 40 or 50 miles hence, it is ordered, that they shall have the priviledge granted by a former order, so as they goe effectually on wth it wthin one yeare; & if they shall thinke fit to plant a convenient number of families there w^{ch} may make a village, they shall have such quantity of land & meddow fit for their occation as the place will affoarde, ꝑvided that they bee ready & go effectually about it wthin 3 yeares next after such mine shalbee opened; ꝑvided, also, that such grant of a village shall not hinder the power of this Co^{r}t in *ordering & disposeing of any mines otherwise then hath bene already, or hearafter shalbee granted./ 501– M^{r} Jn^{o} Glouer grant. [*8.]

Whereas M^{r} John Oliver, late of Neweberry, dyed intestate, leaving behind him a wife, & one onely daughter of the age of about two yeares, & in lands & goods an estate of about 420^{l}, this Co^{r}t therefore, upon the petition of Joane Oliver, the wife of the said John, & wth her consent, hath ordered, that shee, said Joane, her heires & assignes, shall enioy & possess forever the intire & whole estate of lands & goods left by her husband; in consideration whereof shee shall educate & bring up her said child at her owne ꝑp cost & charges, & at the day of the said childs marriage, consum̄ated wth the consent of her said mother, or when shee shall accomplish the age of 18 yeares, or whether shall first happen, shee, the said Joane, shall give unto her said daughter the sum̄e of one hundred pounds, & one hundred pounds more when shee shall Order ab^{t} Jn^{o} Oliuer^{s} estate.

1642. attaine the age of 21 yeares, w^ch^ by this Co^rt^ is ordered to bee the portion of the said child, to bee paid as aforesaid; & for security of the said portion, all the land & house of y^e^ said John Oliver in Newberry, late deceased, is by this order ingaged; & for further secureing the portion of the said child, it is ordered, the next Co^rt^ of Ipswich shall take band of the said Joane Oliver for the payment thereof, as in this order is ꝑvided./

14 June.

And the said Joane Oliver hath power granted her to free her servant for the yeare desired./

M^rs^ Winthrops 3000 acres.

Wee, whose names are under written, beeing appointed by the last Gen^r^all Co^rt^ to veiwe a ꝑcell of land at the fall of Concord Ryver into Merrimack, & there to lay out 3000 acres for M^rs^ Winthrope, doe hearby certify, that wee, haveing veiwed the same land, do find it gen^r^ally to be ordinary land, not of the best; neither did wee see any medowe worth the mentioning there about, except a ꝑcell on the west side of Concord Ryver, w^ch^ wee conceive may bee some 30 acres; therefore wee do thinke the Co^rt^ may, (if they so please,) w^th^out ꝑiudice to the co̅monwealth, grant the said 3000 acres to the said M^rs^ Winthrope, there to lye betwixt the said two ryvers, that is to say, upon the east of Concord Ryver, & the south of Merrimack Ryver, in a iust ꝓportion, so neare as the land will bear it; & because wee find the Indians possessed of severall ꝑcells of land w^th^in the said 3000 acres, lying as before is mentioned, & also finding no medow of any worth there, wee thinke the Co^rt^ may do well to add the said thirty acres of medowe thereunto. The Co^rt^ granted M^rs^ Winthrope her 3000 acres, as is above certified, & further granted her the 30 acres of medowe./

[*9.] In the case between Rich^r^d Sherman & Capt̃ Keayne, this was ꝓpounded to vote: Whether the defend^t^ bee found to *have bene possest of the plaintiff's sowe, & converted her to his owne use, or not: it was voted by 2 ma^trats^ & 15 deputies for the plantiffe, & by 7 ma^trats^ & 8 deputies for the defend^t^, & 7 deputies were newters./

Daniell Fairefeild, being a married ꝑson, upon his owne confession, & other sufficient proofe, is found by the iudgm^t^ of this Co^rt^ to have had carnall knowledg of, & so, in a most vile & abominable manner, to have abused the tender body of Dorcas, the daughter of John Humfrey, Esq̃, one of y^e^ then ma^trats^ of this co̅mon wealth, & that from time to time, from about her age of 7 yeares to about her age of 9 yeares, & y^t^ hee did also, in a most uncleane & wicked manner, abuse himselfe upon y^e^ body of Sara Humfry, a

yonger sister of the said Dorcas, & that this wickednes was comitted very often, & most usually by him on the Lords dayes & lecture dayes./ 1642.

14 June.

The Cort therefore agreed that this aforenamed Dan: Fairefeild shalbee severely whiped at Boston the next lecture day, & have one of his nostrills slit so high as may well bee, & then to bee seared, & kept in prison, till hee bee fit to bee sent to Salem, & then to bee whiped againe, & have the other nostrill slit & seared; then further hee is confined to Boston neck, so as if hee bee found at any time dureing his life to go out of Boston neck, that is, beyond the railes toward Roxberry, or beyond the low water marke, hee shalbee put to death upon due conviction thereof: and hee is also to weare an hempen roape about his neck, the end of it hanging out two foote at least, & so often as he shalbe found abroad w^th^out it, hee shalbee whiped; & if hee shall at any time hearafter attempt to abuse any ꝑson as formerly, hee shall bee put to death, upon due conviction; & hee is to pay to M^r^ Humfrey forty pounds./

Jenken Davies, for his abuseing the forenamed Dorcas, was ordered to bee severely whiped at Boston on a lecture day, & shalbee returned to prison till hee may bee sent to Linne, & there to bee severely whiped also, & from thencefourth shalbee confined to the said towne of Linne, so as if hee shall at any time go fourth of the bounds of the said towne, (w^th^out licence of this Co^r^t,) & shalbee duely convict therof, hee shalbee put to death; & also hee shall weare an hempen roape apparently about his neck dureing the pleasure of this Co^r^t, so as if hee bee found to have gone abroad at any time w^th^out it, hee shalbee againe whiped; & furth^r^, if hee shalbee duely convicted to have attempted any such wickednes (for w^ch^ hee is now sentenced) upon any child after this ꝑsent day, hee shalbee put to death; & hee is to pay forty pounds to M^r^ Humfrey for abuseing his daughter./

John Hudson, for abuseing the said Dorcas, was ordered to bee severely whiped at Boston the next lecture day, and shalbee returned to prison till hee may bee sent to Salem, & there to bee severely whiped againe; & hee shall pay unto M^r^ *Humfrey for abuseing his daughter twenty pounds w^th^in these two yeares./ [*10.]

Dorcas Humfrey was ordered to bee privately severely corrected by this Co^r^t, M^r^ Bellingham & Increase Nowell to see it done./

M^r^ Willi: Tynge, Goo: Thom: Line, Goo: Heathe, Leift̃ Duncan, Goo: Cheesbro, M^r^ Parker, M^r^ Peck, M^r^ Sparhauke, M^r^ Ayres, M^r^ Noyse, Leift̃ Willard, M^r^ Allen, Capt̃ Briges, M^r^ Batter, M^r^ Whipple, Goodm̃ Boyse, M^r^ Rauson, John Saunders, & Goodm̃ Hayward were appointed a comittee to levy & ꝑportion a rate of 800^li^, w^ch^ they agreed as followeth:—

1642. 14 June.

For Waymoth,	14^{t}	For Hingham,	20^{t}
For Dorchester,	58 10^{s}	For Braintree,	14
For Boston,	120 00	For Roxberry,	50
For Concord,	25 00	For Dedham,	20
For Cambridge,	67 10	For Watertowne,	55
For Salem,	75 00	For Charlestowne,	60
For Ipswich,	82 00	For Linn,	45
For Salsberry,	12 10	For Neweberry,	30
For Rowley,	15 00	For Hampton,	05
For Meadford,	10 00	For Sudberry,	15
		For Glocester,	06 10sh^{s}
	479 10		320 10
			479 10
			800 00

w^{ch} is agreed to bee paid, halfe the last of the 6th m̃ next, & the other halfe the last of the 9th m̃ next./

Goodm̃ Stowe is granted 100 acres of land where hee can find it convenient, wthout p̃iudice to any towne, for recompence of his paines in writing the lawes already, & to write such as are still to bee written./

Associates Ipsw. Cou^{rt}.

Those that were formerly associats at Salem & Ipswich are ordered to continew till the next Gen^{r}all Co^{r}t; & these are to take an oath as other iudges, & the ma^{trats} of Salem Co^{r}t to give them their oathes. See the oath, 495./

Salem Co^{r}t was ordered to bee adiourned to the 12th of the 5th m̃./

Hugh Gunnison liberty for a cooks shop.

Hugh Gunnison, haveing set up a cookes shop, is alowed to sell beare to his guestes, some at 2^{d} a quart, some at 1^{d} a quart, being alwayes to have small beare for such as desire it./

Jn^{o} Whipple, Cl^{r}ke of y^{e} writts at Ipswich.

John Whipple is appointed clarke of the writts, insteed of M^{r} Firman./

Wilbey^{s} fined.

Mary Wilbey is abated her fine to 40^{s}, w^{ch} shee hath a twelue months time to pay./

M^{r} W^{m} Bellingham to marry, &c̃.

M^{r} William Bellingham is appointed to see marriages solemnized at Rowely & Neweberry, & to keepe record thereof./

502–

Publick cry^{rs} duty.

[*11.]

It is ordered, that hee who is to cry things lost shall keepe a booke, wherein hee shall write downe faithfully all such things, wth the markes, the p̃ties names, & the *dayes of crying it, for w^{ch} hee shall have 2^{d}. Hee is to crye at 3 severall times; & this order is to bee observed in every towne./

503–

Orde^{r} stating damage done by gr^{t} cattle.

The order made in the Gen^{r}all Court at Newetowne the 2th of the 9th m̃, 1637, concerning satisfaction for damages done by great cattell, &c̃, is repealed; & it is now ordered, that in all corne feildes, or medowes inclosed in com̃on,

or otherwise, every man must secure his corne & medowe ag^{t} great cattell; & if any damage bee done by such cattell, it shallbee borne by him through whose insufficient fence the cattle did enter; & if that cannot bee ꝑved, then the damages shalbee equally imposed upon every man according to the default of his fence; & if all the fences bee sufficient, the owner of the cattle must answer the damages./ 1642. 14 June.

If the ꝑty damnified find the cattle damage feasant, hee may impound them, or keepe them in his owne private close or y^{r}d, till hee may give notice to the owner; if they cannot agree, the owner may replevy them, or the other ꝑty may returne them to the owner, & take his remedy as hee shall thinke best according to lawe./

It is ordered, that the owners of the ship Tryall shall have 10 barrells of vsefull powder deliv^{r}ed them by M^{r} Rawson, for w^{ch} they stand bound to returne 10 barrels of good newe powder; & they shall also, upon the returne of the ship, deliver 10 barrells more of like powder at the same price they cost first penny, so as (if they miscarry in ship board) the country must beare the losse of the said 10 barrells./ Pouder & ordinanc̃ lent to ship Tryall.

And they are to have 6 peeces of ordnance by Captaine Gibbons appointment, (so as none bee drakes, nor any mounted,) w^{ch} they are to returne wth the ship, or to pay for them, if they miscarry./

Whereas, at the Gen^{r}all Co^{r}t the 4th 7th m̊, 1639, ‖436,‖ there was ꝑvision made for the recording of severall ꝑticulers, amongst w^{ch} it is observed that birthes, deathes, & marriages are much neglected in many townes, — 504–

It is therefore ordered, that hearafter the clarks of the writts in severall townes shall take especially care to record all birthes & deathes of persons in their townes; & for every birth & death they so record they are to have alowed them the sum̃e of 3^{d}, & are to deliver in yearely to the recorder of the Co^{r}t belonging to the iurisdiction where they live a transcript thereof, togeather wth so many pence as there are births & deaths recorded, & this under the penalty of 20^{s} for every neglect; & for time past it is ordered, they shall do their utmost indeavo^{r} to find out in their severall townes who hath bene borne, & who hath died, since the first founding of their townes, & to record the same as aforesaid./ Clarke of y^{e} writts to rec^{r}d births, deaths, & marriages.

Also the ma^{trats} & other persons appointed to marry shall yearely deliver to the recorder of that Co^{r}t that is nearest *to the place of their habitation the names of such ꝑsons as they have married, wth the dayes, months, & yeares of the same; & the said recorders are faithfully & carefully to inrolle such birthes, deathes, & marriages as shall thus bee com̃itted to their trust./ [*12.]

1642.

14 June. Tho: Kings case, as to his wife, refer'd to Salem Court.

The cause of Thomas Kinge, about his wife being defiled before marriage, is referred to the next Co^rt at Salem, w^th the elders advise certified./

Day of humiliation.

It was ordered, that the 21^th of the 5^th m̃ should bee kept as a day of publike humiliation throughout this iurisdiction, in regard of o^r owne straites & the foule sinns broken out amongst us, & the distractions of o^r native country, Ireland, Holland, & other p̃ts of Europe./

M^r Greenleiffe is appointed insteed of M^r Woodman to end small busi- instead M^r Woodm̃. nesses in Neweberry./

505– M^r Bellng. & M^r Bradst. to keepe Cou^rt at Pascataqr.

It was ordered, that M^r Rich^rd Bellingham & M^r Symon Bradstreete should go to Pascataq̃, & keepe a Co^rt there w^th the com̃ission^rs there chosen, & they two to bee of the quoram, so as no Court to bee kept w^thout one of them./

506– Cases to be tryed at y^e Gen. Court in case.

Whereas this Co^rt is often taken up in hearing & deciding p̃ticuler cases between p̃ty & p̃ty, w^ch more ꝑply belongeth to other inferior Co^rts, this Co^rt being onely to help in such cases where the p̃ty can have no releife in any other Court, it is therefore hcarby declared, that all causes between p̃ties should first bee tryed in some inferio^r Co^rt; & if the p̃tie against whom the iudgm^t shall passe shall have any newe evidence or other newe matter to pleade, hee is to desire a newe triall in the same Co^rt, upon a bill of reveiwe; & if iustice shall not bee done him upon that tryall, hee may then come to this Co^rt for releife./

Whereas it appeareth to this Co^rt, that, notw^thstanding the former lawes made against selling guns & powder to the Indians, they are yet supplied by indirect meanes, —

507– Pœnalty to sell guns, poud^r, &c̃, to Indians.

It is therefore ordered, that if any ꝑson, after publication of this order, shall sell or barter any guns, powder, bullets, or leade to any ꝑson inhabiting out of this iurisdiction, w^thout licence of this Co^rt, or the Co^rt of Assistants, or some two ma^trats, hee shall forfecte for every gun tenn pounds, & for every pound of powder five pounds, & for every pound of bullets or leade forty shillings, & ꝑportionably for any greater or lesser quantity. And that this order, & the former against repairing the Indians peeces, & selling guns, powder, &c, to them shalbee imprinted, & affixed upon every meeting house doore in this iurisdiction./

508– [*13.]

All actions of debt & account, & actions of the case concerning debts and accounts, to bee tryed where the plaintiff pleaseth, so it be in the iurisdiction of that Co^rt where the plaintiff or defendant dwelleth, vnlesse by consent under *both their hands it appeareth they would have the cause tryed in any other Court./

1642.

All other actions to bee tryed w^th^in that iurisdiction where the cause of the action doth arise; the former order made in the Gen^rall Court concerning this matter is repealed.

14 June. Actions of debt^s & accō^ts, where to be tryed.

All the land lying upon Saweshin Ryver, & between that & Concord Ryver, & between that & Merrimack Ryver, not formerly granted by this Co^rt, are granted to Cambridge, so as they erect a village there w^th^in 5 yeares, & so as it shall not extend to preiudice Charlstowne village, or the village of Cochitawit, nor the farmes formerly granted to the now Gov^rnor of 1260 ac̄, & to Thom: Dudley, Esq^r, 1500 ac̄, & 3000 ac̄ to M^rs Winthrope; & M^r Flint & M^r Stephen Winthrope are to set out their heade line towards Concord./ 509— Shawshin grant, & confirmacon.

This Co^rt, takeing into serious consideration the great danger that this cōmon wealth is liable unto by forraigne & domesticke foes, w^ch^ wee have just cause to conceive wilbee ready, as opportunity and meanes are put into their hands, to practise ag^st^ us, — 510— Rep.

And being willing to lay hold on & use all such means as God shall direct us unto, as may tend to the raising & ꝑduseing such materialls amongst ourselues as may ꝑfect the makeing of gunpowder, the instrum^t^all meanes that all nations lay hould on for theire ꝑservations, (haveing too much neglected to take due course, w^ch^ wee might have done,) do order & decree, that every plantation w^th^in this colonye shall erect an house in length about twenty or thirty foote, & twenty foote wide, w^th^in one halfe yeare next comeing, into w^ch^ house wee desire & enioyne the offic^rs of each millitary company in each towne to see & cause a sufficient quantity of earth by their companies or otherwise yearely to bee carried, & twice in every yeare, or oftner, the earth from its foundation by them to bee stirred & removed from one end thereof to the other, from the bottome to the top, mixeing such urine of men & beasts w^th^ goates, henns, hoggs, & horses dunge, as shalbee by the carefull & conscionable members of this cōmon wealth brought to bee dispeirst & scattered amongst the said earth, the company not leaveing of bringing more earth into the said houses till it shall come w^th^in two foote of the wall plate of the same; and that the said houses bee well covered, their sides & endes so ordered that no wett may come into them, to the ꝑiudice thereof; & for the further ꝑmoveing of what is above ordered & decreed, wee declare that all such inhabitants of ev^ry^ town as shall cause the urine of their families in some such place to be put & kept, as that it may bee in due time brought and dispeirsed in the said houses, or ot[her] *outhouses of their owne, w^ch^ are alike ordered & covered, do best discharge their duties, & manifest themselues sencible of the gen^rall danger of this cōmon weale./ Order relating to salt peeter. [*14.]

1642. 14 June. Abt salt peeter. The townes are at liberty to make either one such great house as is before appointed, or divrse smaller houses, according to the numbr of families in the towne, & the different scittuation of them; & it is intended that such ꝑsons as are exempt from ordinary trainings, & do not alowe a valewable recompence, & yet are able to affoard help about this designe, shalbee implied therein upon training dayes by the appointment of the millitary officrs./

511– This Court takeing into serious consideration the sevrall deceites & abuses wch in other places have bene & are comonly practized by the tannrs, curriers, & workers of leather, as also the abuses & inconveniences wch accrue to the severall members of this comon wealth by leather not sufficiently tanned, wch is occasioned by the negligence & unskillfulnes of those severall tradesmen, wch before & after it is in the hands of the tanner may bee much eithr furthered or impayred, for ꝑvention whereof it is decreed & ordered as followeth: —

To prevent deceite in taṅing leather. 1. That no ꝑson useing or occupiing ye feate or mistery of a butcher, currier, or shoomaker, by himselfe or any other, shall use or exercise ye feate or mistery of a tanner, on paine of forfeiture of sixe shillings eight pence for every hide or skin by him or them so tanned, whilst hee or they shall use or occupie any of the misteries aforesaid; nor shall any tanner, dureing his useing ye said trade of tanning, use or occupie the feate or mistery of either butcher, currier, or shoomaker, by himselfe or any other, upon paine of the like forfeiture./

2. That no butcher, by himselfe or any other ꝑson, shall gash, slaughter, or cutt any hide of oxe, bull, steere, or cowe, in slaying thereof, or otherwise, whereby the same shalbe impaired or hurte, on paine of forfeiture for every such gash or cutt in any hide or skinn twelue pence./

3. That no ꝑson or ꝑsons shall, after the 20th of the 9th m̃ next, bargain, buy, make any contract for, or bespeake any rough hide of oxe, bull, steere, or cowe in ye haire, but onely such ꝑsons as have & do use & exercise the arte of tanning./

4. That no ꝑson or ꝑsons useing, or wch shall use, ye mistery or faculty of tanning, shall at any time or times hearafter offer or put to sale any kind of leather wch shalbee insufficiently or not thoroughly tanned, or wch shall not then have bene, after the tanning thereof, well & throughly dryed, so that by the searchers & tryers of leather lawfully appointed shalbee found to bee insufficiently tanned, or not throughly dryed, as aforesaid, then all & every such ꝑson & ꝑsons so offending shall forfeit so much of his or their said leather as shalbee found insufficiently tanned, or not throughly dryed./

5. That no ꝑson or ꝑsons, useing or occupiing the mistery of tanning, shall sett their fatts in tann hills, or other places where the woozes or leather which shall be put to tann in the same shall or may take any unkind heats, or shall put any leather into any hott or warme woozes, or shall tann any hide with any hott or warme woozes whatsoever, on paine that every person so offending shall forfeit for ev^ry *such offence twentie pounds./ 1642. 14 June. [*15.]

6. That no ꝑson or ꝑsons useing or occupiing y^e mistery or faculty of curriing shall curry any kind of leather, except it bee well & ꝑfectly tanned, or shall curry any hide being not throughly dry after his wett season, in w^ch wett season hee shall not use any stale, urine, or any other deceitfull & subtill mixture, thing, way, or meanes to corrupt or hurt the same; nor shall curry any leather meete for utter sole leather w^th any other than good stuffe, such as the countrie will affoard, nor of any lesse of that then the leather will receive; nor shall curry any kind of leather, meete for outer leather & inner soles, but w^th good & sufficient stuffe, being fresh & not salt, & thoroughly liquored till it will receive no more; nor shall burne or skald any hide or leather in y^e curriing, but shall worke y^e same sufficiently in all points & respects, on paine of forfeiture, for every such offence, or acts done contrary to the true meaning of this order, the full valewe of every such hide marred by his evill workmanship, w^ch shalbee iudged by 2 or 4 sufficient & honest curriers, or other skilfull ꝑsons, on their oath given to them for that end by any Assistant./

7. That every of the regim^ts of this cõmon wealth shall appoint & sweare one or two ꝑsons of the most honest & skilfull w^thin their severall towneships, by their discretion, to search & veiwe w^thin the ꝑcinct of their limitts, as often as they shall thinke goode & neede shalbee, & shall have a marke or seale ꝑpared for that purpose; & the said searchers, or one of them, shall keepe the same seale or marke, & w^th the same shall seale & marke such leather as they shall find sufficient, & no other; & if the said searchers, or any of them, do find any leather sold, or offered to bee sold, or brought to bee searched & sealed, w^ch shalbee tanned, wrought, converted, or used contrary to the true intent & meaning of this order, it shalbee lawfull to the said searchers, or any of them, to seize all such leather, & to retaine the same in their custody untill such time as the same bee tryed by such tryers, & in such manner as shalbee in this order appointed./

8. Vpon the seisure of any leather by vertue of this order, the officer so seizeing the same shall (w^thin three dayes) call to him 4 or 6 men, honest & skilfull in such ware, to veiwe y^e same in the ꝑsence of the ꝑtie, (who shall have timely notice thereof,) & the said ꝑsons so chosen shall certify upon

1642. their oathes to the next Co^rt, or to two Assistants, the default of the same leather, except the p̃tie shall before submit to their iudgm^t./

14 June. 9. That if any searcher or sealer of leather shall refuse w^th convenient speed to seale any leather sufficiently tanned, wrought, & used, according to the true meaning of this order, or do allowe that w^ch shalbee insufficient, then every searcher & sealer of leather shall forfeite for every such offence fourtye shillings./

10. That the severall fines & forfeitures in this order mentioned shalbee equally divided into three p̃tes, & distributed as followeth: the one p̃te to the

[*16.] co*m̃*on treasur[y of] *the limitts wherein the offence is co*m̃*itted, another third p̃t to the co*m̃*on treasury of the towneship where such offender inhabiteth, & the other third p̃te to the seizer or seizers of such leather as is insufficiently tanned or curried./

11. Provided, that this order shall not extend to avoyde any former bargaine between any tanner & shoe maker, butcher, or currier, or any of them, concerning the matter of this order./

12 saker bullets allowed to Ipswich. It is ordered, that Ipswich shall have 12 saker bulletts w^th their guns, when they send for them./

Ipswich & M^r Rogers case refferd to a committee. The busines betweene the towne of Ipswich for M^r Rogers & M^r Bradstreete is referred to the Governo^r, Deputy Gov^rno^r, Incr: Nowell, M^r Stoughton, & M^r Flint, to determine without a iury, the towne being to deliver M^r Bradstreete their declaration a month before, & hee to give M^r Symonds his answere 14 dayes after, & neither p̃tie to alledge at the hearing any other matter for substance to put the case to a new issue./

Neaponset bridge to be vejwed. o M^r Treasurer & M^r Parker are appointed to veiwe Naponset bridge, & to certifye the charge thereof./

512– o It is ordered, that after the end of this Co^rt no petition shalbee received

No peti*c*on aft^r y^e 3^d day of y^e Court. in any Gen^rall Co^rt after the end of the third day of the sitting of the Co^rt./

o It is ordered, that the booke now in Co^rt, conteining argum^ts against the standing counsell, shalbee co*m̃*ended to the elders, who are desired to returne their iudgm^t & advise about the matter therof to the next Co^rt./

Dorman Mathew. o Dearmont Mathewe was ordered to go home to his m^r, & if hee can p̃ve his m^r did beate him, when hee came home w^th order fro^m M^r Deputy, his m^r to bee punished; if not, hee is to recompence his m^r for damage done him, & losse of his time, & his master was willed for this time not to correct him./

o M^r Saltonstalls petition is referred ^ Inc*r̃* Nowell & M^r Ting./

5^li to Mary Jones. o It was ordered the Treasurer should give Mary Joanes five pounds against her marriage./

513– Alt. It was voted, that ryalls of eight should passe at 4^s 8^d a peece./

It was voted by the Co^rt to vindicate the office of the standing counsell, as it is now ordered, & the ꝑsons in whom it is now vested, fro^m all dishono^r & reproach cast upon it or them in M^r Saltonstalls booke./ 1642. o 14 June.

Marmaduke Barton is condemned to slavery, & to bee branded, & to remaine in slavery till the Co^rt take further order about him./ 514– o

Rich^rd Bracket was granted three pound, to bee paid him of M^r Pococks estate, for his charge about Tho: Owen./ o

It is ordered, that in all tryalls between p̃ty & p̃ty, the iury shall find the matter of fact, w^th the damages & costs, according to their evidence, & the judges are to declare the sentence of the lawe upon it, or they may direct the iury to find according to the lawe; & if there *fall out to bee any matter of apparent equity, as upon the forfeiture of an obligation, breach of covenant w^thout damage, or the like, the judges shall determine such matter of equity; this order to continue to the next Gen^rall Co^rt./ 515– Exp. [*17.]

Every towne w^thin this iurisdiction shall choose one or two freemen, who shall meete at Salem the first fourth day of the second month next, & shall there consider & agree upon a certaine number of the most able & fit men in this iurisdiction to bee put to nomination for magistrats at the next Co^rt of Elections, & their names are then to bee faithfully certified to the Secretary, & no other but those to bee put to vote that Co^rt./ Electiõ. Alt. rep.

And it is further ordered, that there shalbee no Gen^rall Co^rt held before the Co^rt of Elections, except the Gov^rno^r & other of the ma^trats shall see iust occasion to call any in the meane time./

It is ordered, that the Gov^rno^r, M^r Bellingham, & the Secretary, w^th the deputies of Boston, shall examine & survey the orders of this last Co^rt, & ꝑfect the same for the publishing, & that the Governo^r, w^th such ma^trats as shalbee p̃sent at Boston the next lecture day, shall give judgment upon the prisoners, & see execution done, according to the sentence of the Co^rt./ o

If any man shall unlawfully have carnall copulation w^th any woman child under ten yeares ould, hee shall bee put to death, whether it were w^th or w^thout the girles consent./ o 516– Death for adultery.

If any man shall forciblely & w^thout consent ravish any mayde or woman that is lawfully married or contracted, hee shalbee put to deathe./ o 517–

If any man shall ravish any mayde or single woman, com̃itting carnall copulation w^th her by force, against her will, that is above the age of ten yeares, hee shall bee either punished w^th death or with some other greivous punishm^t, according to circumstances, at the discretion of the iudges; & this law to continue till the Co^rt take further order./ 518–

If any man shall com̃it fornication w^th any single woman, they shall bee 519–

1642. punished, either by enioyning to marriage, or fine, or corporall punishm^t, or all or any of these, as the iudges shall appoint, most agreeablie to the word; and this order to continue till further order bee taken in it./

14 June.

520– If any man shall breake up or robb any dwelling house on the Lords day, when the inhabitants are gone to the worship of God, or comit burglary upon any other day, or by night, or shall rob any ꝑson on the way or open feilds, or shall steale any other goods left abroad, or in the house, shall bee severely punished, according to the nature of the offence, & the severall aggravations thereof, as y^e iudges shall appoint; this lawe to stand in force till the Gen^rall Co^rt doth alter it./

[*18.] *It is ordered, that such lawes as make any offence to bee capitall shall fourthw^th bee imprinted & published, of w^ch lawes the Secretary is to send a coppey to the printer, when it hath bene examined by the Gov^rnor or M^r Bellingha^m w^th himselfe, & the Treasurer to pay for printing of them./

[For the list of persons made free the 18th of May, 1642, see the end of the volume.]

The busines between John Humfrey, Esq^r, & John Holgrave is referred to M^r Downing, M^r Sharpe, & M^r Holioke, to heare & determine./

[*19.] **A Gen^rall Court, at Boston, the 8^th of the 7^th M^o, @ 1642.*

8 September.

P^rsent, The Gov^rno^r,
The Deputy Go:,
M^r Dudley,
M^r Bellingham,
M^r Saltonstall,
M^r Bradstreete,
M^r Stoughton,
M^r Flinte,
M^r Incr: Nowell;

Deputies,

Leift Haward,
Sam: Winsley,
M^r Edw^d Rawson,
Maximi: Jewet,
Franc̃ Parrot,
M^r Sam: Simonds,
John Whipple,
Geo: Norton,
M^r Willi: Hauthorn,
M^r Edm^o Batter,
M^r Edw^d Hollioke,
Ca: Ro: Sedgwick,
M^r Fra: Willoughby,
Ca: Geo: Cooke,
M^r Natha: Sparhauke,
Ca: Willi: Jeanison,
El: Edw^d Howe,
Wal: Hayne,
Thom: Brooke,
Hen: Chick^ring,
M^r Edw^d Allen,
who dyed at Co^rt,
Cap: Ed: Gibons,
M^r Willi: Tynge,
John Johnson,
Willi: Heathe,
M^r Jn^o Glover,
Leif: Na: Duncan,

Willi: Cheesbrough,
Sam: Basse,
Mr Jam: Parker,
Willi: Torry,
Mr Joseph Peck,
Edmo Hubberd,
Edwd Colcot.

1642.
8 September.

CAPT: GIBBENS was appointed to gratify the Indians wch were implied by us, being sent to Passaconnaway. Mr Saltonstall & Mr Bradstreete were desired to gratify him whom they implied./

Richd White, for his disobedience & miscarriage in refusing to watch, was committed to prison till further corse bee taken. It was after referred to the Quarter Corte./

An order was sent to Leift Greenleefe, or in his absence to Mr Woodman, for sending home the Indian woman & child from Newberry, & to send to Passaconnaway for satisfaction./

Also, Sergent John Leveret & Sergent Edwd Hutchinson were sent to Meantonomo wth certeine instructions to demaund satisfaction of him: —

1. First, to tell them of the credible information wee have received from diverse (ptly by the relation of the Indians themselues) that they have drawne in many othr sachims to ioyne wth the Naragansets in makeing warr upon the English./

2. That wee have heard that Meantonomo intends to possesse himselfe of the Pecoits & their country, & to make his sonne sachim thereof./

3. That hee hath drawen the Indians of Long Iland, Block Iland, & other pts thereabouts, being under the ptection of the English, to pay him tribute./

4. That hee doth keepe divers Pecoits wch are run away from us, or at least doth countenance & alow the Niantick sachim so to doe./

5. That these are all breaches of the league & covenant hee hath made wth us, & contrary to his pmise./

6. To acquint him, that one Mischewcese, an Indian about Prvidence, did lately attempt by force to ravish the wife of one Nicho: Woode, of Dorchester, & to desire that hee may bee sent to us to bee punished, not wth death, but some other punishmt./

So for Willi:, lately the Governor his servant, run away, to bee sent us./

7. To take his severall answers to all these./

8. Upon his answers then to signify to Meantonomah, that it is desired hee would come speake wth or Govrnor; if hee refuse, & excuse himselfe hee cannot come, then to send two of his cheife councellors to give us further satisfaction hearin, & that wthin 7 dayes./

9. To undertake for their safe comeing & returning./

1642. 8 September. 10. If they give yo^{u} occasion, (& not else,) yo^{u} are to informe them of o^{r} true intent in disarming the Indians neare us, & that wee meane to render them their armes againe when wee are satisfied of their innocensy, & that what was done to Passaconnaway his sonne, &c, was through his owne ꝑvocation, & not by any order from us, (for wee intended onely to speake wth him,) & that wee have given order to have his squa & papoose to bee sent whom to him againe./

11. If hee will not ꝑmise to come or send to us, then to tell them, that if they have so little regard to keepe their ꝑmise to us, wee have iust cause to account o^{r}selues free fro^{m} o^{r} covenant wth them, as those that are false to us, & regard not our freindship nor their owne ꝑmise./

12. Yo^{u} are to let them know, that wee account the English at Plimoth, Coñectecot, Newhaven, & other p̃ts of the country that are in ffreindship wth us, as all one wth o^{r}selues./

[*20.] The Co^{r}t, haveing good evidence of yo^{r} wisdoms & fidelity, *have com̃ited this weighty busines unto yo^{u}, & for yo^{r} better help in the way thither & converse wth them, have ꝑcured Benedick Arnold & Ahauton the Indian to serve yo^{u} as guides & interpreters, & so com̃end yo^{u} to the most wise & gracious direction, & ꝑtection, & bless^{g} of the Lord God Almighty. ꝑ Cur. I. N., Sec./

M^{r} Wan^{r}. M^{r} Wannerton had directions as followeth: —

The Gen^{r}all Co^{r}t, houlden at Boston, the 8th of the 7th m̃, 1642, (upon credible information of a gen^{r}all & bloody designe of the Indians against all the English in this country, & of great supply of powder & guns, w^{ch} they have from some of the English in the easterne p̃ts, w^{ch}, liveing alone & under no gov^{r}nm^{t}, cannot, by any ordinary way of iustice, bee punished or restrained,) have given power & com̃ission to yo^{u} to make seisure of all such powder as yo^{u} shall find in the possession of any such ꝑsons whom yo^{u} shall find (by such ꝑofe as yo^{u} may avouch) to have traded any powder (directly or indirectly) to any Indian, (leaveing them onely so much as may bee sufficient for their owne necessary use,) for w^{ch} this shalbee yo^{r} sufficient warrant. ꝑ Cur. I. N., Sec./

Also, letters to bee written to the Gov^{r}no^{r}s of other iurisdictions to ꝓvent the selling of powder to the Indians./

Upon the frequent complaint of neglect of millitary service & contempt of authority in y^{e} hand of such com̃aund^{r}s & officers, —

Its ordered, that if any ꝑson shall refuse or neglect to obey y^{e} lawfull com̃aund of any millitary com̃aunder or officer in any publick service, viđ, as watching, warding, trayning, marching, or any other service of like kind,

whatsoever hee can alleadge to the contrary, it shalbee lawfull for two of y^e^ cheife officers of ev^r^y company to punish any such ꝑson according to his desert, by fine not exceeding 20^s^, or by bilboes, stocks, or such like corporall punishm^t^ as is usuall among souldiers, or to com̄it him to the cunstable, to bee sent to the next magistrate, who shall bind him over to the next Co^r^t, if hee see cause./ 1642. 8 September.

Its further ordered, that for an equall co^r^se to bee held in watches, every ꝑson not exempted from watching by former order of Co^r^t, whether fisherman, ship carpenter, or others w^ch^ are exempted from training, shall, notw^th^standing, watch as oth^rs^ doe, or ꝑvide a sufficient man in his roome; this order to bee in force till the next Gen^r^all Court of Elections./

This Co^r^t, considering the continuall dangers the inhabitants of each towne in this iurisdiction are in, by the plots & conspiracies of the heathen amongst us, knowing it is expected that the severall townes of this iurisdiction bee so advised & directed by this Co^r^t, as that they may not bee ignorant what to do in times of assault, have thought meete to require each inhabitant to take notice of these following directions: — 521–

1. That in each towne in this iurisdiction it shalbee lawfull for the com̄aunders of each company at any alarum to call their companies together, & set them in offencive & defencive wayes, as there is occasion, against the enemy, according to their best wisdome, if direction bee not given by the counsell of warr in every towne./

2. That an alarum in times of danger shalbee accounted by being ꝑformed any of these wayes by any inhabitant, vid̄: by distinctly discharging three muskets, or a continued beate of the drum in the night, or fireing the beacon, or sending a messenger to the adiacent townes, *or discharging a peece of ordnance in the night time; & every trained souldier is to take the alarum im̄ediately, on paine of five pound./ [*21.]

3. That every towne ꝑvide a sufficient place for rctreat for their wives & children to repaire to, as likewise to keepe safe the am̄unition thereof./

4. That the com̄aunders of each towne, on certeine intelligence, by an alarum, of an enemy at any one towne, the three next therunto shall, by a sufficient company by each towne added, repaire to the same towne where the enemy is first placed./

5. That every smith in this iurisdiction, laying aside all other busines, do w^th^ all speed attend the repairing of the ammunition of the severall townes, fitting them for any suddaine occasion, & shall receive country pay for it./

6. That all watches throughout this countrey bee set at sun̄e set, at the

1642. beate of the drum̄, & not bee discharged till the beate of the drum̄ at sunne riseing./

8 September. 522– This Co^rte, takeing into serious consid^ration the p̄sent danger of each plantation by the despate plots & conspiracies of the heathen, as also that they might bee furnished w^th^ such store of powder as may p̄vent any suddaine invation, have thought meete to appoint John Johnson, of Roxberry, the gen^rall surveyor of the armes, on the demaund of any sufficient inhabitant of each towne, to deliv^r the severall p̄portions of powder w^ch^ in their warrant from the Gen^rall Co^rt shalbee mentioned, according as is hearunder written & agreed upon, p̄vided the said inhabitant doth under his hand acknowledg the receit thereof, & securely keepe the same, not delivering any p̄te thereof out of the said store w^th^out p̄sent necessity requiring, & then on such good satisfaction as may most likely purchase powder againe; & if it bee not in such service used, the same to take into his possession againe, or such a full store of fresh powder in weight equalizing y^t^ w^ch^ was deliv^red in place; and that the severall townes w^ch^ have already had delivered any powder out of the countryes store, & w^ch^ exceeds their p̄portions hearunder mentioned, shall, w^th^in one month, deliver the surplus of such powder in their hands, w^th^ sufficient pay, unto the said John Johnson, for that w^ch^ is delivered out, that so the country store may bee renewed against times of danger, & that the deputy of each towne, at the Gen^rall Co^rt of Election, from time to time shall certify the Co^rt of the case & condition of their said townes store of powder./

The names of the townes & the p̄portions thereof are,—

Hampton,	1 barrell.	Sudberry,	1 barrell.
Salsberry,	1	Concord,	1
Newberry,	1	Dorchester,	2
Rowley,	1	Roxberry,	1
Ipswich,	4	Braintree,	1
Salem,	4	Waymoth,	2
Glocester,	1	Hingham,	1
Linn,	1	Boston,	2
Charlstowne,	2		
Cambridge,	1		
Watertowne,	1		
Dedham,	1		

Memorandū: That Hampton & Newberry had each of them a barrell before, w^ch^ they are to alow for, besides the barrell w^ch^ is now alowed to each of them by this order./

[*22.] *Watertowne hath 12 months liberty to pay for the two barrells of gunpowder./

523– Willi: Arnold, Rob: Coale, Willi: Carpenter, & Bened: Arnold, his company, upon their petition, were taken under o^r^ government & p̄tection./

Willi: Arnold, Robert Coale, Benedict Arnold, & Willi: Carpenter is to see to keepe the peace in their lands./ 1642.

8 September

The Secretary, the Treasurer, & John Johnson are appointed to take account of Mr Harvards amunition supplied to the countrey./

The traders are to give account of the wampam./

It was appointed thanks should be returned to Mr Willobie, Mr Haughton, & Mr Androws, wth othrs, for their kindnes./

Capt Willi: Traske, for neglecting the execution of his warrant, was admonished & fined five pounds./

The towne of Cambridg, for neglecting their powder, is fined fourty shillings. The bushell of apples was paid in./

Mr Robrt Saltonstalls rate, wch hee is to pay for his brothr, is respited till the next session./

Glocester is to have ten muskets of the countries lent ym./

For the ministers ꝑpounded to bee sent to Virginea, it was voted, that if the churches will consent to have them go, the matrats should comend them to the government there./

The Secretary, the Treasurer, & Capt Gibbens were appointed to give directions to Capt Stoughton about the goods wch Capt Sedgwick brought over, that the whole 520t principle bee returned to ꝑcure a new supply therewth. Repealed./

Refered to Capt Stoughton afterward.

The Court is adiourned to the 27th of this ꝑsent mn./

Adiorn.

Ipswich Court is adiourned for 14 dayes./

The Court desired, if the churches thought meete, to have a day of humiliation kept the 22th ꝑsent./

27th.

27 September.

It was referred to the Treasurer & Capt Gibbens to gratify Meantonomo wth a coate & some tobacco, & Cutshamache a coate, & Ahauton for his iorneyes to give him satisfaction, & also to satisfy Benedick Arnold./

Mr Jno Clarke, Mr Ri: Walker, Will: Waldrn, came insteed of Mr Rauson, Mr Hollioke, Edwd Colcot.

Also, Passaconway to have satisfaction./

And for John Dover to have 30s alowed him for his iorney to Coñecticot./

It was ordered, that all the Indians armes should bee restored to them againe./

It was ordered, that, for the payment of the rate, (wch is to bee paid the nynth month,) wheate & barley shall passe at 4shs the bushell, rye & pease at 3s 4d the bushell, Indian corne at 2s 6d the bushell, in these at these prices; or in beaver, money, or wampam pay is to bee made./

1642. It was ordered, that the 80^{t} ꝑfit of the 520^{t} in Capt̃ Sedgwicks hands should bee paid, halfe to M^{r} Dunster for the colledge, & the other halfe to Capt̃ Sedgwick./

27 September.

524– It is ordered, that every man shall pay ten shill^{gs} before his cause bee entered, unlesse the Co^{r}t see cause to admit any in forma pauperis./

525– It is ordered, that Boston small Co^{r}t shall have power to end any cause under 100^{t}, as Salem & Ipswich have./

M^{r} Clarke is appointed in M^{r} Rawsons place to end small causes at Newberry./

[*23.] *Ensigne Cakebread is appointed to lead the company at Sudberry as ensigne./

M^{r} Stephen Winthrope hath liberty to go for England./

M^{r} Ralph Wheelock is appointed in M^{r} Edw^{d} Allens place to end small causes at Dedham, & to bee clarke of the ritts./

Wooborne. Charlestowne village is called Wooborne./

M^{r} Bellingham, M^{r} Saltonstall, M^{r} Symons, M^{r} Hauthorne, Capt̃ Jeanison, Goodm̃ Johnson, & Goodm̃ Heath are appointed a committē to consider (whether in tryall of causes to retaine or dismise iuries) against the Co^{r}t of Elections./

M^{r} Treasurer, M^{r} Parker, Leift̃ Duncan, M^{r} Glover, & Goodm̃ Cheesbro, these, or any three of them, are appointed a comittē to veiw & seeke out a convenient place for the high way & fferry at Dorchester, & certify the next Co^{r}t./

It is ordered, that the high way from the written tree to Winnetsemet should bee alowed through M^{r} Keaynes & M^{r} Newgates ground till the other way bee mended, & the gates made convenient or left open for men to passe./

M^{r} Hauthorne is dismissed from any attendance about the booke for w^{ch} hee was formerly questioned./

It is ordered, the ma^{trats} should send to demaund all the tribute dewe to us every where./

John Bridge is appointed insteed of M^{r} Allen, deceased, for to lay Capt̃ Jeanisons land out./

Eleazar Lusher is appointed insteed of M^{r} Allen, for to lay out Samu: Greens farme./

526– It is ordered, that every Co^{r}t should have a coppey of the lawes at the publique charge./

527– Mil. For the better direction of the watch & alarums in this iurisdiction, for greatest safety of the severall townes, and whole countrye, it is ordered, first,

that besides the country alarum there shalbee an alarum for each severall towne, in this manner: One musket discharged shalbee an alarum to all the sentinels at the severall quarters of each towne, who shall answere the said alarum, not by shooting of any more peeces, but by going to & awakening the sev^rall houses w^th^in their quart^rs by crying, Arme! arme! Thus the towne being raised, if danger appear, it shalbee in the discretion of the cheife offic^rs either to strengthen their sev^rall quarters as they shall see occasion, or else to give an alarum to the whole country. It is left to the discretion of the cheife officers of every towne to appoint the most convenient quarters or randevous where to set sentinels or Co^rts of garde./ 1642. 27 September.

It is ordered, that all the ꝑsent inhabitants of Pascataq who formerly were free there shall have liberty of freemen in their severall townes to manage all their towne affairs, & shall each towne send a deputy to the Gen^rall Court, though they bee not at ꝑsent church members./ 528– Pasqiiscataq^r.

This Co^rt, consid^ring the oft occasions wee have of trading *w^th^ the Hollanders at the Dutch plantation & otherwise, do therefore order, that the Holland ducatour, worth 3 gilders, shalbee currant at 6^s^ in all paymt^s^ w^th^in o^r^ iurisdiction, & the rix doller, being 2½ gild^rs^, shalbee likewise currant at 5^s^, & the ryall of 8 shalbee also currant at 5^s^./ 529– [*24.]

It is ordered, that all vessels of caske used for any liquor, fish, or other cõmodities to bee put to sale shalbee of London assize, & that fit ꝑsons shalbee appointed from time to time, in places needfull, to gage all such vessels or caske; & such as shall bee found of due sise shalbee marked w^th^ the gagers marke, & no other; & hee shall have for his paines 4^d^ for every tun, & so ꝓportionablely; & it is ordered, that M^r^ Willi: Aspinwall, M^r^ Venn^r^, & Thom: Boarman shalbee gagers of caske for this yeare, & till other bee chosen in their roome. The gagers m^r^ke shalbee G./ 529– Coope^rs^.

The townes men in every towne shall take order that ev^r^y house, or some two or more houses to ioyne together for the breeding of salt peeter in some out house used for poultry, or the like, & to give them direction about the same, according to the former order of Co^r^t, w^ch^ order is hearby repealed, save onely to bee made use of for direction of families in their sev^r^all houses appointed by this order; & every towne w^ch^ shall neglect the execution of this order before the last of the first month next, shall forfeit 20^s^; & ev^r^y family so appointed that shall faile therein shall forfeit for ev^r^y month so failing 12^d^, & to let them know that such peeter as shalbee raised by this meanes shalbee to the publique use; but the owners shall have a due price for the same./ 530– Mil.

Boston, Serg^t^ Leveret; Charlstowne, Thom: Peirce; Cambrig, Seꝛ

1642. 27 September. French; Watertowne, Sr̄gt Beeres; Concord, Geo: Foule; Sudbury, Ensi: Cakebread; Dedhā, Sr̄gt Philips; Roxberry, Sergt Hewes; Dorchestr, Sr̄gt Clape; Braintree, Martin Saundrs; Waymoth, Robrt Martin; Hingham, Bozoon Allen; Lin, Sr̄gt Tomlins; Salem, Mr Garford; Ipswich, Edm: Goodner; Rowley, Jos: Jewet; Newberry, Mr Greenliffe; Salsberry, Sr̄gt Chalice; Hampton, Will: Esto; Gloster, Mr Bruen; Northam, Willi: Pomfret./

These to have the charge of looking to this order, & to have halfe the forfeitures of the sevrall families for their labor, & the other halfe to bee bestowed for furthering the worke./

531– Coll. Whereas, by order of Cort in the 7th m̄, 1636, there was appointed & named six matrats & six eldrs to order the colledge at Cambridge, of wch twelue some are removed out of this iurisdiction, —

College overseers. It is therefore ordered, that the Governor & Deputy for the time being, & all the matrats of this iurisdiction, together with the teaching eldrs of the sixe next adioyning townes, that is, Cambridge, Watertowne, Charlestowne, Boston, Roxberry, & Dorchester, & the p̄sident of the colledge for the time being, shall have from time to time full power & authority to make & establish all such ordrs, statutes, & constitutions as they shall see necessary for the instituting, guiding, & furthering of the said colledge & the sevrall membrs [*25.] thereof from time to time in piety, morality, & learning; *as also that they shall have full power to dispose, order, & manage, to the use & behoofe of the said colledge & members thereof, all gifts, legacies, bequeathalls, revenues, lands, & donations, as either have bene, are, or shalbee conferred, bestowed, or any wayes shall fall to the said colledge; & whereas it may come to passe yt many of the said matrats & eldrs may bee absent, or otherwise implied in weighty affaires, when the said colledge neede their p̄sent helpe, councell, & authority, therefore it is ordered, that ye greater number of the said magistrates, eldrs, & president shall have the power of the whole; provided, also, that if any constitution, order, or orders shalbee made that is found hurtfull to the said colledge, or the members thereof, or to the weale publike, that then, upon the appeale of the partie or parties aggrieved to the said overseers, that they shall repeale the said order or ordrs at their next meeting, or stand accountable thereof to the next Genrall Cort./

It is ordered, that 200t shalbee aded to the formr rate or seasment, according to the former ꝑportion./

532– Marsh. It is ordered, that the marshalls stipend shalbee abated henceforward to 10t ꝑ @, & his fees according to order./

The Governo^r^, M^r^ Dudley, M^r^ Bellingham, & Incr: Nowell are desired to consider of Goodm̃ Morrels petition./ 1642. 27 September.

Shermans petition is granted to bee refered to a committē, according to order in that case ꝑvided, if hee desire it./

It is ordered, that the associats at Pascataque shall have power to try any cause under 20^t^, though no other bee sent to them./

Willi: Hilton, Willi: Wald^r^n, Edwa: Colcote have authority to end differences under 20sh^s^./

M^r^ Francis Williams is ioyned an associate at Pascataq./

Willi: Wilson his stipend is abated to 10^t^ henceforward ꝑ @, & his ffees./ 533– Keep.

M^r^ Pinchen is appointed to pay according to the order for the beaver trade./

The comittē to meete at Salem is to meete the first third day of the first month, to consid^r^ of new ma^trats^./ Elect.

It was ordered, that M^r^ Stoughton shall have two demiculveren, to bring back drakes for them, or returne them./ Armes lent.

The surveyar gen^r^all of the armes of the country shall have power to sell any of the country armes for an equall price, either in corne or other country pay, & to ꝑvide armes againe therew^th^ so soone as may bee, so hee sell them not out of this iurisdiction./ 534– Mil. Sell armes.

All ꝑsons exempt from training, who yet are to find arms & are able to use them, shall appear w^th^ their compleat arms before the millitary comaunders twice in the yeare to bee exercised, except ma^trats^, elders of churches, phisitians, scholers, & surgeons./ 535–

The magistrates in & neare Boston, w^th^ the deputies of Boston, Charlestowne, Cambridg, Watertowne, Roxberry, Dorchester, or the greater part of them, are appointed to bee a comittē to treate w^th^ any comission^rs^ from Plimoth, Coñectecot, or Newe Haven, about the union, & concerning avoyding any danger of the Indians, & to have power to do hearin what they shall find needfull for comon safety & peace, so as they enter not into an offencive warr w^th^out order of this Courte./

*The order for ꝑventing the sale of insufficient leather, &c, shalbee extended to leather wrought into shewes or bootes as well as unwrought leather, & searchers are to bee chosen by the severall townes, & ꝑsented to some magistrate to bee sworne to the due execution of the trust comitted to them./ [*26.] 536–

The stock of 520^t^ in Capt̃ Sedgwicks hands is ordered to bee delivered to Capt̃ Stoughton, to bee implied by him for the countrey in such comodities as hee shall thinke most needfull./

1642.

It was ordered, that the house, land, & goods of John Edwards should bee Harman Garrets & his heires, according to appraisem̃./

27 September. 537– The tenants of the ferry fro[m] Boston to Winnetsemet are remitted all the former rent, & 40sh[s] p̄ @ is remitted for time to come, onely they are to passe the ma[trats] & deputies freely, in the countryes service./

M[r] Willi: Paine undertooke to answere the action of Hen: Cosga./

George Millard, upon the petition of his m[r], Cap: Bridges, is sett free./

It was ordered, that M[r] Mav[r]rick should pay p̄sently in 30[t] of his fine, & have sixe months for the other 30[t], & all to bee payd in good marchantable paym[t], according to the last order./

It was ordered, that the elders should bee desired to take the case of the inhabitants of Strawberry Banck into their consideration, & affoard their help for p̄viding a minister for them./

538– Northam petic̃on ans[rd]. The inhabitants of Northam, upon their petition, are granted the liberty w[ch] other townes have; & M[r] Samu: Dudley, M[r] Wi: Paine, M[r] Winslow, & Mathew Boyse are to settle their limitts./

Wee thinke wee are bound to defend their right, according to o[r] agreem[t] w[th] M[r] Whiting & his company, so as nothing bee done to the p̄iudice of M[r] Whiteing & comp[a], till the matter bee decided./

They shall have a barrell of powder, delivering dry fish for it at Boston, by agreement w[th] the surveyar generall./

The difference between this Co[r]t & M[r] Whiting w[th] his comp[a] is com̄itted to 3 or 4 of the ma[trats] about Boston, to take some co[r]se for the spedy determineing of it, as they shall thinke fitt./

M[r] Rob[r]t Saltonstalls & M[r] Hoffs petitions are not granted, because no warrant is found for the disbursm[t] of it, nor proofe of the receit of p̃ticulers for the country./

The petition for M[r] Wheelright, if hee himselfe petition the Co[r]t at Boston, they shall have power to graunt him safe conduct./

13: 8 M[o].

It was ordered by the com̄ittē assembled, that the watches should bee layd downe./

M[r] Bellingham, Capt̃ Cooke, & Leift̃ Duncan were appointed to go to Newe Plimoth to settle the busines about M[r] Androws his 500[t], to take band, seale their discharge, & take their discharge for M[r] Androws./

**A Generall Court of Elections, held at Boston, the 10th Day of the 3th Mo, @ 1643.* 1643

10 May.

P^E^SENT, M^r^ Gove^r^no^r^, M^r^ Bradstreete,
M^r^ Deputy Go:, M^r^ Flinte,
M^r^ Dudley, M^r^ Symonds,
M^r^ Bellingham, M^r^ Hibbens;
Incr: Nowell,

Deputies,

Henry Chick^r^ing, Willi: Carpenter,
Edmond Rice, Edward Holyoke,
Thom: Brooks, Edward Tomlins,
Edward Howe, Willi: Hauthorne,
Thom: Mayhewe, Edmond Batter,
George Cooke, Willi: Hubberd,
Nathani: Sparhauke, Joseph Medcalfe,
Edward Gibons, Mathew Boyes,
Willi: Tynge, Maximi: Jewet,
Robert Sedgwick, John Clarke,
Rich^r^d Russell, Edward Woodman,
Hugh Prichard, Willi: Haward,
John Glover, Edward Johnson,
Humfrey Atherton, George Norton,
Samu: Basse, Willi: Hooke,
Stephen Kingsley, Christo: Batte,
Bozoon Allen, Edward Starbuck,
Josua Hubberd, James Parker,
Willi: Tory, Joseph Weld.

JOHN WINTHROPE, Esq^r^, was chosen Governo^r^, & tooke his oath to that place apperteining.

John Endecot, Esq^r^, was chosen Deputy Gov^r^no^r^, & tooke his oath.

Thom: Dudley, Esq^r^, was chosen an Assistant, & tooke his oath.

Rich^r^d Bellingham, Esq^r^, was chosen an Assistant, & tooke his oath.

Rich: Saltonstall, Esq^r^, was chosen an Assistant.

M^r^ John Winthrope, Iunior, was chosen an Assistant.

Increase Nowell is chosen an Assistant, & tooke his oathe.

M^r^ Symon Bradstreete is chosen an Assistant, & tooke his oathe.

M^r^ Israell Stoughton is chosen an Assistant.

M^r^ Thom: Flint is chosen an Assistant, & tooke his oath.

M^r^ Willi: Pinchen is chosen an Assistant.

M^r^ Samu: Symons is chosen an Assistant, & tooke his oathe.

M^r^ Willi: Hibbens is chosen an Assistant, & tooke his oathe.

1643. Mr Willi: Tynge is chosen Treasurer.

10 May. Mr Symon Eyres, Capt Jeanison, & Hugh Mason, & John Sherman till Capt Jeanison come, are appointed to end small causes in Watertowne undr 20s.

Whereas it hath pleased the Lord, who, of his free grace & mercy, hath from time to time taken the care of & ꝑvided for the safety & good of his poore churches & people hear in Newe England, so to move the harts of the honorable House of Comons in England as they have bene pleased to make a speciall order in or favor, for acknowledgmt of our humble thankfulnes, & ꝑserving a gratefull remembrance of the honrable respect from that high cort, it is ordered, that the said order, being sent to us under the hand of the clarke of the said honorable House of Comons, shalbee entered among or publique records, to remaine there to posterity.

Veneris xo Martij, 1642.

539– Whereas the plantations in Newe England have, by the blessinge of Almighty God, had good & prosperous successe, wthout any publique charge to this state, & are now likely to ꝑve very happy for the ꝑpagation of the gospell in those parts, & very beneficiall & comodious to this kingdome & nation, the Comons, now assembled in Parliamt, do, for the better advancement of those plantations & the incuragmt of the planters to ꝑceede in their undertaking, ordaine, that all marchandizes goods that by any marchant or other ꝑson or persons whatsoever shalbee exported out of this kingdome of England into Newe England, to bee spent, used, or implyed there, or, being of the growth of that kingdome, shalbee from thence imported hither, or shalbee laden or put on board in any ship or vessell for necessaryes in passing & returning too & fro; and all and evry the owner or owners thereof shalbee freed & discharged of & from paying & yeelding any custome, subsedy, taxac̃on, imposition, or other dutye for the same, either inward or outward, either in this kingdom or Newe England, or in any port, haven, creeke, or other place whatsoever, untill the House of Comons shall take furthr order therein to the contrary; and all & singuler customers, farmrs, & collectors of customs, subsedies, & imposts, & other offics, ministers, & subiects whatsoever, are hereby required & enioyned, that they & every of them, upon the showing fourth unto them this order, or a true coppye thereof, under the hand of the clarke of the House of Comons, wthout any othr writ or warrant whatsoever, do make full, whole, & entyre & due alowance & clear discharg unto the said owners of the said goods & mar-
[*28.] chandizes, their factors, servants, & *agents, according to the tenour & true meaning of this order.

H: ELSYNG, Cler̃ Parł. D. Com̃.

Edward Bate, Willi: Tory, & Nicho: Philips are appointed to end small businesses under 20^{s} at Waymoth. 1643. 10 May.

M^{r} Willi: Perkins is appointed clarke of the writts at Waymoth.

Samu: Basse, James Penniman, & Alexand^{r} Winchester are appointed to end small businesses at Braintree under 20sh^{s}.

John Saunders, M^{r} Samu: Dudley, & Christo: Batte are appointed to end small businesses at Salsbury under 20sh^{s}.

Obedi: Brewen is appointed clarke of the writs at Glocester.

M^{r} Willi: Stevens, Obedi: Brewen, & George Norton are appointed to end small causes at Glocester under 20sh^{s}.

M^{r} Willi: Hauthorne is appointed to record sales & mortgages in the absence of M^{r} Downeing, & till M^{r} Downing returne.

M^{r} Peter Noyse, Edmond Goodenow, & John Bent are appointed to end small businesses under 20sh^{s} at Sudberry.

Edward Converse, John Mousall, & Ezechi: Richardson are appointed to end small businesses under 20^{s} at Wooborne.

Edward Johnson is appointed clarke of the writs at Wooborne.

It is ordered, that after the last of the 3th m̃, till the end of the 6th m̃, it shall bee lawfull to fish ground with cod & basse, notwthstanding the former order.

M^{r} Willi: Hauthorne & M^{r} Edward Holyoke are appointed to assist in the Co^{r}ts at Salem.

Those w^{ch} were to assist at Ipswich Co^{r}t are to assist still.

M^{r} Saltonstall had leave to depart because of his wife's ilnes.

The Gov^{r}no^{r}, M^{r} Dudley, M^{r}. Bradstreete, M^{r} Treasurer, Capt̃ Gibons, & M^{r} Hauthorne are chosen to treat wth o^{r} freinds of Coñectecot, New Haven, & Plimoth about a confederacy between us.

M^{r} Humfrey Atherton & M^{r} Edward Tomlins are appointed to go wth Goo: Willi: Arnold to speake wth M^{r} Greene, M^{r} Warner, & Rich^{r}d Waterman, & the rest there, & to understand how things, according to instructions to bee given them in writing, & to get & bring Will, the Indian, if they can.

It is ordered, that the agreem^{t} between Iswich & Salem bee recorded.

The 27th of the First Month, 1643.

At a meeting by us whose names are underwritten, chosen by the towns of Salem & Ipswich, & haveing full power either towne to agree & determine of the bounds between the said townes, do in the behaulfe of each towne agree & determine the same as followeth: Imprimis, wee conceive that the meeting houses of the two townes stand from each other north north east haulfe a point

1643. 10 May. easterly, & south south west haulfe a point westerly; whether it bee exactly so or no, wee are fully agreed that the line betwixt the two townes shall run as followeth, viz$: From the bound tree near John Fairfeilds house west north west halfe a point northerly, & est south east haulfe a point southerly, as the trees are marked both wayes from the said bound tree.

WILLI: HUBBERD,
JOHN TUTTELL,
JOSEPH YONGS,
ROGER CONANT,
JEFFRY MASSYE,
JOHN BALCH,
THOM: HOWLET,
JOHN GAGE.

Edward Converse, Ezechiell Richardson, Capt Cooke, & Edward Goffe, wth Mr Stileman, are appointed to lay out the way from Cambridge to Wooborne.

The Cort granted Squa Sachem haulfe a pound of gunpowder, & her peece to bee mended.

Mr Hooke had leave to depart, not being well.

540– It is ordered, that all the armes, ammunition, & ordinance should bee fetched from Castle Iland wthin two months, & that Charlstown, Cambridg, & Ipswich shall have each of them a drake, & that Capt Sedgwick, Capt Gibbons, & Capt Cooke shall dispose of the amunition, armes, & ordinance, & utensals, & the surveyar to have an invoyce of all; & Charlstowne to have such carriages & other things as they neede toward the money wch hath bene ꝑmised them, & the surveyar generall to have the armes.

[*29.] *And Capt Sedgwick, Capt Gibbons, & Capt Cooke are appointed to take charge of fetching whom these things, & to let the iland as they can yearly./

It is ordered, that Capt Sedgwick should have what hee hath layd out upon the Castle upon his account to the Treasurer.

The Cort voted & exꝑssed their consent to the articles between us, Coñectecot, Newehaven, & Newe Plimoth, if they consent to them, & appointed them to bee transcribed & subscribed by the Secretary.

John Gwin, for his reproachfull & clamoros speaches, was fined 20t, wch, upon his humble acknowledgmt of his fault, was abated to 5t, wch Capt Sedgwick undertooke.

It is ordered, that Mr Bradstreete & Mr Symonds should give Mr Saltonstall his oath.

It is ordered, that Mr Deputy, Mr Saltonstall, Mr Bradstreete, Mr Symons, or any two of them, should go & keepe Cort at Pascataque, Mr Williams, Capt Wiggen, & Mr George Smyth to assist them, & to bee comissionrs there. 1643. 10 May.

& Capt Wiggens authority is appointed to extend to Hampton, as before. 541–

The forenamed comissionrs have liberty to keepe Corts for small causes, as before.

And two bigger Corts are to bee kept there, the one betwen the English & Indian harvest, & the other in the spring.

The gentlemen that keepe Cort at Pascataque are desired to veiw the ground in question, & see if they can compose & settle things betwen Dover & Strawberry Banck; & if they can not, to certify the Cort how they find things. Ye ground in question betw. Dover & Strawbery Bancke.

Thomas Bayes, being convented for mutinos & turbulent speaches, was fined 5t, & bound in 20t to appear at the Quarter Cort the first month, & to bee of good behavior the meane while.

Robert Crosman, for his offencive speaches, was fined 26shs, & bound in 10t to appear at the Qrter Cort in ye first m̃, & to bee of good behavior the meane time.

Henry Chickering, Willi: Ballard, Tymo: Dwyte, & Robrt Hinsdel are bound for the two fines of Thom: Bayes & Robrt Crosman, wch is 6t.

Mr Wheelright had a safe conduct granted, & liberty to stay 14 dayes, so it bee wthin 3 months next ensuing.

The order that restrained the killing of calues for some months is repealed.

Excetter petition was answered, being it fell wthin or pattent; the Cort tooke it ill they should capitulate wth them.

About elections: It is ordered, that the order made at the Genrall Cort the 13th of the 3th m̃, 1640, 446, for a free & orderly course to bee held for the nomination of such as are to bee put to election for new matrats, shalbee revived, & stand in force untill this Cort shall see cause to alter or repeale it, wth this explanation onely, that whereas it is exp̃ssed in the said order that the deputies shall ꝑpound to the freemen whom they would have put to nomination for matrats, the intent of the said clause is not that the deputies should have the sole liberty of nomination, but that all the freemen should have equall liberty wth them therein. 542–

It is ordered, that warrant should bee sent to the townes to send the number of males from sixeteen year ould to sixetie, in the begiñing of the 6th m̃ next.

1643. Mr Edward Tomlins is appointed clarke of the writts at Linn, in Mr Sadler his place.

10 May. It is ordered, concerning members that refuse to take their freedom, the churches should bee writ unto, to deale wth them.

[*30.] The Governor & Mr Dudley are appointed on the comittē to *treate wth or brethren & confederates of Coñectecot & Newehaven, & if either of the former bee hindered, Mr Bellingham is appointed in his steede.

600 acres to Mr Na: Ward. Mr Natha: Ward is granted his farme of 600 acres, as neare Pentucket as may conveniently bee, to bee layd out by Srgent Howlet, of Ipswich, Joseph Jewet, of Rowley, & Philip Challice, of Salsbry.

It is ordered, that Mr Bellinghams account should be ꝑpared & given in to the comittē wthin two months.

& Mr Tynge is to perfect his account against the next session, & such as are behind are to pay the 7th m̊, in mony, or Inglish wheate.

543– It is ordered, that the millitary officrs in every towne shall appoint what armes to bee brought to the meeting houses on the Lords dayes, & other times of meeting, & to take order at farmes & houses remote, that amunition bee safely disposed of, that an enemy may not possesse himselfe of them.

The whole plantation wthin this iurisdiction is divided into four sheires, to wit: —

Essex.	Salem,	Middlesex.	Charlstowne,	Suffolk.	Boston,
	Linn,		Cambridge,		Roxberry,
	Enon,		Watertowne,		Dorchester,
	Ipswich,		Sudberry,		Dedham,
	Rowley,		Concord,		Braintree,
	Newberry,		Wooborne,		Waymoth,
	Glocester,		Meadford,		Hingham,
	Cochichawick.		Linn village. ‖Reding.‖		Nantaskot.
Norfolk.	Salsberry,				
	Hampton,				
	Haverill,				
	Excetter,				
	Dover,				
	Strawberry Banck.				

It was agreed that Benedick Arnold should be alowed four pounds for his paines.

It was ordered, that the first day of the 4th month should bee comended to the severall churches in or iurisdiction to bee kept a day of publique humiliation, for the sad condition of or native country.

The magistrates in the Bay, or any 3 of them, wth the deputies of the next townes, or any 5 of them, are authorished & ordered a comittē to treate wth Pumhom & Sachanonocho about their submission to us, & to conclude wth them, & receive them under or iurisdiction, if they see cause, & to warne any to desist wch shall disturb them.

Mr Prichard, Mr Glover, Mr Weld, & Mr Atherton, or any three of them, are appointed a comittē about the receiving & ordering of Mr Andros gift, & the specialties were delivred them, to wit: of Mr Bradford & compa for 333. 6. 8d, Mr Atwoods byll for 36t, Mr Hills byll for 20. 13. 4d, & the ꝑsent Govrnors byll for 100t; also a note for 44. 9shs more (if it bee not cleared to the satisfaction of Mr Andros) was delivred in by Mr Bellingham, Capt Cooke, & Leift Duncan. 1643. 10 May.

Capt George Cookes byll, for paymt of 20t at 30 dayes, Mr Norcrose his byll for paymt of 6t,

& Mr Strange his order were delivered by Mr Hibbens in to the Treasurer.

Capt Gibons, Capt Sedgwick, Capt Cooke, Mr Hawkins, Capt Denison, & Goodm Edward Johnson, they, or any foure of them, are appointed to consider of some orders to put the country into a posture of warr, & that armes bee put *in order, & they to see to fortifications, & to ꝓpound such order as they thinke of to the Corte. [*31.]

The 305t worth of goods are comitted to Mrs Stoughton, according to Mr Stoughtons advice, (to sell by retale at 4d in the shilling, for 14 dayes,) to pay by the first returne mony, or bills, as shee pleaseth, & if not then paid, to pay by the 15th of the 8th m̊, in money, bylls for England, or Inglish wheate at a due value by appraismt, wch payment the Cort shall choose.

The former comittē of matrats & deputies are authorished & appointed to examine & perfect the lawes.

For ꝑventing of occasions of partiall & undue ꝓceedings in Corts of iustice, & avoyding of iealosyes wch may bee taken up against iudges in that kind, it is ordered, that in evry case of civill nature, between partye & partye, where there shall fall out so neare relation between any iudge & any of the parties, as between father & sonne, (either by nature or marriage,) brother & brother, in like kind uncle & nephewe, (landlord & tenant, in matters of considerable valewe,) such iudge, though hee may have liberty to bee ꝑsent in the Cort at the time of the tryall, & give reasonable advice in the case, yet shall have no power to vote, or give sentence therein, neither shall sit as a iudge, but beneath the bench when hee shall so pleade or give advice in the case. 544–

For ꝑventing disorder in corne feilds wch are inclosed in comon, it is ordered, that those who have the great quantity in such feilds shall have power to order the whole, notwthstanding any former order to the contrary, & that every one who hath any part in such comon feild shall make & maintaine the fences according to their severall quantities. 545–

1643. This Co^rt being to bee adiourned, it is desired, that ev^ry member of this Co^rt will use their best indeavo^r in the mean time to informe themselues & the Co^rt concerning the question about the negative vote, & to take advice from any therein; and it is ordered, y^t it shalbee no offence for any of them, or any other, either elder or other ꝑson, who shall, either privately or in any lawfull assembly, deliver their minds soberly & peaceably therein, or to deliver the same in writing, in any modest or breife way, so it bee under their hand, & the elders to bee desired to give their advice in the case.

10 May.

M^r Saltonstall tooke the oath of the Assistants.

Adio^rn̄. The Co^rt is adiourned to the first Thursday of the 7^th m̊ next.

7 September. 7^th Septemb̄, 1643.

It is conceived by those that are appointed to lay out the way between Waymoth & Braintree that the way w^thout the ffeild at Manatacut is conceived to bee nearer & more comfortable, & not so troublesome to the country in regard of putting up & downe the rayles; neth^r will so much damage redound to the inhabitants in regard of spoyl^g their corne, as formerly hath bene.

MOSES PAINE,
ROB^RT MARTIN,
EDWARD B × ,
MARTIN SANDERS.

[*32.] 546– 22 June. *This writing is to testify that wee, Pumham, sachem of Shawomock, &c, & Sacononoco, sachem of Patuxet, &c, have & by these ꝑsents do volentarily & w^thout any constraint or ꝑswasion, but of o^r owne free motion, put o^rselues, o^r subiects, lands, & estates under the gov^rm^t & iurisdictiō of the Massachusets, to bee gov^rned & ꝓtected by them according to their iust lawes & ord^rs, so farr as wee shalbee made capable of understanding them; & wee do ꝓmise, for our selues, & all o^r subiects, & all o^r posterity, to bee true & faithfull to the said govermm^t, & ayding to the maintenance thereof to o^r best ability, & from time to time to give speedy notice of any conspiracy, attempt, or evill intension of any w^ch wee shall know or hear of against y^e same; & wee do ꝓmise to bee willing from time to time to bee instructed in the knowledge & worship of God. In witnes whereof wee have hearunto put o^r hands, this 22^th of the 4^th m̊, 1643.

The m^rke of Sacanonoco.



The marke of Pumhom.



This was signed, after clear interpretation of every perticuler by their owne interpreter, Benedick Arnold, in the ꝑsence of us whose names are subscribed, & many of the eldrs, & others. 1643. 22 June.

JO: WINTHROPE, Govrnor,
THOM: DUDLEY,
RICHRD BELLINGHAM,
JOHN GLOVER,
JOSEPH WELD,
HUGH PRICHARD,
HUMFREY ATHERTON,
WILLI: ASPINWALL.

7th Day 7th Mo. 7 September.

Samu: Gorton & his compa had a safe conduct offered them, & were writ unto about divrse iniuries offered by them to us, (& the people undr our iurisdiction, both English & Indians,) to come to or Cort, & there make answere to the p̃ticulers, to wch they returned no other but contemptuous & disdainfull answers; whereupon 3 com̃issionrs were resolued to bee sent to requir & see satisfaction made wth security, or to bring their ꝑsons, wth reference to their instructions. 12 writings were delivred my bro: Tyng, wch came from Mr Peters & Mr Wells. 547–

Warrant was ordered to bee sent to Dover, to redresse their two mistakes of sending a new deputy, & sending an impfect number of males from 16 year ould to 60 yeares.

Mr John Winthrope, Iunior, tooke the oath of Assistants.

Mr Thom: Mayhewe is fined 2s; Mr Natha: Sparhauke is fined 2s; Capt̃ Sedgwick is fined 2s; Josua Hubbrd fined 2s; Mr Bellghā fined 2s.

Edwd Starbuck is fined for 3 weeks absence, 40s.

The Cort thinketh not meete to write to ye eastward about Mr Cleaves, according to his desire.

It is ordred, that Mr Stoughton, Mr Hibbens, Mr Treasurer, & Mr Keayne, or three of them, to bee a standing com̃ittē to take the paps, & to ordr things for the good of the country, accordg to their discretion.

Com̃ission was granted Mr Willi: Pinchon, gent̃, for this *yeare ensuing, & till ye Cort take further order, that hearby hee shall have full power to govrne, according to former order in 1641, onely to try causes by a iury of 6 men, if 12 cannot conveniently bee had. [*33.]

It was ordered, that an admonition should bee sent to Dover for sendg a new deputy wthout leave or new sum̃ons, & not alowing meanes to the formr deputy, wherby hee was hindred from comeing.

1643. It is ordered, that for the yearly choosing of Assistants for the time to come, insteed of paps the freemen shall use Indian beanes, the white beanes to manifest election, the black for blanks.

7 September. 548–

John Saundrs, for his mutinos & offencive speaches, was fined five pounds, & enioyned to acknowledg his fault at Hampton.

It was ordered, Mr Dunster should bee paid 16^{s} by Mr Stoughton, upon account.

Mil. 1. It is ordered, first, that the regiment & comaund of the millitary affaires bee so ordered that upon any suddaine exigent or assault upon any place, there may bee a lawfull authority to make resistance; for, as piety cannot bee maintained wthout church ordinances & officrs, nor iustice wthout lawes & magistracy, no more can or safety & peace bee pserved wthout millitary orders & officrs; & though wee conceive the supreame power of comaund of the forces bee in the Cort Genrall, so that no war ought to bee undertaken wthout their authority, yet because that great body cannot be ready in suddaine cases to act by itselfe, wee conceive it necessary that there bee a councell, wherof the Govrnor to bee alway one, invested wth power & authority, in all cases of danger & assault, to raise ye whole force of the country, or any part therof, & to draw them together to one or more places wthin this iurisdiction, or otherwise to dispose of them in the best mannr, for the necessary defence of the country.

2'ly. That there bee chosen a sergent maior genrall to leade & conduct their forces levyed, & to execute all orders & directions of the councell.

3'ly. Because assaults may (& comonly are, sudden, not admiting of any delay, wee conceive it likewise necessary that in every sheire there bee appointed one leiftenant, who shall have power to cause the force of that sheire, or any part therof, (in suddaine cases, where timely notice cannot bee given to the Govrnor & councell,) who shall give order to the force levied to march to any part of the sheire for the defence therof, or otherwise dispose of them, till hee receive order from the Gournor & councell; & furthr, that in everv sheire there bee one sergent maior, to comaund, leade, & conduct the forces of that sheire, being called together; who shall also have power in the absence of the leiftenant to raise the force of that sheire.

4'ly. That the regiments or sheires bee divided into sevrall companies, and where any towne hath not a convenient number of men, that they bee adioyned to some other towne to make a full company, & that in evry such company there bee a captaine, & other officrs, & that the captaine have power to call his company together, & to make any iust & necessary defence, & to dismiss them, as hee seeth occasion, when there is no other comaund to the contrary.

5'ly. It is very convenient that once in every yeare the supior offic^{r} should call the regiment togeth^{r}, that ev^{r}y man may know his place, & that all the horse listed in that sheire shall appear at that meeting, & that the chiefe offic^{r} cause them there to bee exercised. 1643. 7 September.

6'ly. That a beacon fired, & 4 muskets discharged, & a drum beaten shalbee an alarum, at w^{ch} every man shall repaire to his colo^{r}s, or appointed meeting place, to attend further order.

7. Secondly, the regiment being thus settled, wee conceive it further necessary that the Gov^{r}no^{r}, councell, leiften^{ts} of sheires, & sergent *maior do meete once every yeare to consult of the best meanes of o^{r} safety, & to take notice of all millitary affaires; to see that all offic^{r}s do faithfully discharge the trust comitted to them, & to punish all disord^{r}s, & neglects in all offic^{r}s; to take care that all places bee ꝑvided wth able offic^{r}s, & where such are wanting, to appoint one of other places, giving them recompence for their paines; to dispose of the magazeine in the most convenient place, & to consider of meanes to furnish them; to consider of fortifications, & the means to effect it, & to suffer no publiq fort to bee erected wthout their apꝑbation. [*34.]

8. Also, in every sheire or regiment the leift̃, serg^{t} maior, & the cheife officer of every company shall meete once or twice ev^{r}y yeare to consult of such matters as tend to the safety of that sheire, & of meanes of ꝑvide^{s} am̃unition & armes, & to appoint what sort of armes every man should beare, & what forses shalbee inroaled, & to take care of the ordinance, publique armes, & magazine of the sheire or town, to ꝑvide one cañoneer at the least, to consider of the forts in the sheirs, & to take care of them, & not to suffer any fort (though it bee not of publiq concernm^{t}) to bee erected, wthout their apꝑbation, to take notice of all disorders & neglects of souldiers or inferior offic^{rs} in watchings, trainings, &c, & to reforme & punish them, reserving power to the captaines of ev^{r}y company to execute all such orders of Co^{r}t as are or shalbee betrusted to their care, & giving them power to warn any offender, or ꝑsent any offence of a millitary nature to the councell or meeting. 9. And wee conceive it needfull that the order of Co^{r}t, w^{ch} binds ev^{r}y man to furnish a musquet, should not bee in force against such as are ꝑvided to serve wth pike & costlet, that so those places that are unfurnished of pikes may bee incuraged to ꝑvide them. 10. It would bee convenient, that all millitary dispatches & order might bee issued after the usuall manner from the supior to the inferio^{r} officer.

Whereas Excetter is found to bee wthin o^{r} patent, upon their petition they were received under o^{r} gov^{r}nm^{t}; and M^{r} Willi: Paine, Mathewe Boyes, & 549– Exeter rec^{d} into y^{s} gover^{n}t.

1643. John Saundrs are appointed to settle the bounds between Hampton & Excetter wthin two months.

7 September. It is ordered, that no ship nor other vessell shall cast out any ballast in
550– the chañell, or other place inconvenient in any harbor wthin this iurisdiction,
Ballast. upon the penulty of 10ł.

It is ordered, that warrant shalbee granted to sell Sqa Sachem 1łł of powder & 4łł of shot, at two severall times, halfe at one time & halfe at another./

Whereas by a former order it was appointed 10s should bee paid for evry
551– action at the entry of it, it is now declared, that the marshall should gather it up, & execution to be granted him against any wch neglect to pay it.

Willi: Wemborne, Robrt Smyth, & Thom: Wardall are to end small businesses at Excetter.

Willi: Wenborne is chosen clarke of the writts at Excetter.

It is ordered, that till the next Genrall Cort, & till the Cort take further
552– order, Excetter causes/occasions shalbee tryed at Ipswich.

The letter to the Dutch was voted to bee recorded.

It is ordered, that Enon shalbee called Wennam.

553– Wennam is granted to bee a towne, & hath liberty to send a deputy./

Mr Pinchen is ordered to pay for his beaver trade from the time of the ruñing of the line.

Mr Treasurer, Mr Hathorne, & Mr Glover are appointed a comittē to take the names of all the traders, & what they have paid, & to certify the Court.

Mr Fenwick desired, that if hee did not ꝑve, & make it appear to the
554– commissionrs at the next meeting, that his line, by an ancienter patent then ors, & an authentick one, doth take in Wooronock, then or line to stand, & that trading house to bee subiect to or ordrs.

It was agreed, that wee should send 3 comissionrs, wth a guard of 40 able
555– men to attend them, wch have authority & order to bring Samu: Gorton & his company, if they do not give them satisfaction.

The 3 comissionrs are Capt̃ Geo: Cooke, Humfrey Atherton, & Edward Johnson; & Capt̃ Cooke to comaund in cheife, & Hum: Atherton to bee his leift̃ of the millitary force.

A letter was ordered to bee sent to Samu: Gorton & his compa by them wch go before, to declare or intent.

They of Aquidnee are granted to buy a barrell of powder, ꝑvided Leiften Morris give caution that it bee implied for the defence of the iland by the adice of the Governr & Deputy.

[*35.] *It is ordered, that the deputies shall acquint the elders to desire in a speciall manner to comend this undertaking to God.

1643.

It is ordered, that the widow Wilsons fine of 5^{t} shalbee accepted in pipe staves, according to her petition.

7 September.

Whereas it appears to this Co^{r}t that the com̄ission^{r}s appointed to lay out the bounds between Dover & Strawberry Banck did not consider the said Strawberry Banck as a towne, nor so exactly veiwed the land on that side the ryver as was needfull, & thereupon layd out certeine lands to Dover w^{ch} is most convenient for Strawberry Banck, & c^{r}teine lands to Strawberry Bank w^{ch} is most convenient for Dover, so acknowledged to bee by one of the said com̄ission^{r}s in this p̄sent Co^{r}t, it is therefore finally ordered, that all the marsh & meadowe ground lying against the great bay on Strawberry Banck side shall belong to the towne of Dover, togeth^{r} wth 400 a^{c} of upland ground adioyning & lying neer to the said meadow, to bee layd out in such a forme as may be most convenient for the imp̄ving & fencing in of the said meadowe, the remainder of the said ground to belong to Strawberry Banck, reserving the due right to ev^{r}y one that hath p̄prietyes in the same.

556–
Strawbery Bank.

M^{r} Willi: Aspinwall is appointed clarke of the writts for Boston.

M^{r} Aspinwall, clarke of the writts.

Willi: Estowe is appointed in the roome of John Crosse to assist in ending small causes at Hampton.

It is agreed, that the millitary com̄aunders shall take order that the companies bee trained, & some man to bee appointed by them in each towne to exercise them. This was ordered before 548: 7:.

It is ordered, that for the rates behind, what is paid in wheate shall passe at 4^{s} $\frac{1}{2}$ the bushell, so that if losse come, the towns that are behind to bear it, & to take it of the persons.

Strawberry Banck is granted M^{r} Knowles his purchase, paying the 30^{t} to the Courts satisfaction.

Willi: Pomfret is appointed in Edw^{d} Colcots place to assist in ending small causes at Dover.

M^{r} Glover, M^{r} Russell, Ensigne Weld, & M^{r} Edw^{d} Tynge are appointed a com̄ittē about the child^{r}n, to dispose of them, call for their beds, & to see that satisfaction bee p̄cured & paid in.

The Co^{r}t gave Castle Iland & the house there to Capt̃ Gibons, unlesse it bee implied to publiq use for fortification at any time hearafter.

M. This is to be considered next Co^{r}t.

It was ord^{r}ed, that Edward Bendall should fetch away the ordinance, am̄unition, leade, & oth^{r} utinsals fro^{m} Castle Iland, & deliv^{r} what is granted to Charlstowne & the rest to Boston, & bee paid by the surveyar.

It is ordered for the p̄sent, that the charge of the souldiers to go wth Capt̃ Cooke, &c, to Providence, should bee paid by M^{r} Glover & the rest of the com̄ittē about the children, & bee repaid againe when it cometh in.

1643. 7 September. It is ordered, that Ipswich, Salem, & Newberry shall answere for the powder or armes they have had.

Mr Bellinghams account haveing bene examined, & being subscribed by 2 of the comittē, hee is fully discharged, & his account alowed.

It is ordered, that the souldiers of Ipswich, Rowley, & Newberry, wch were sent to the Indians, should each man bee alowed one pound of powder.

Salem dischardg. for 2 barrells podr. The towne of Salem is discharged of two barrels of powder.

Jacob Sheafe. Jacob Sheath & Margaret Webbe are ꝑmitted to ioyne in marriage, though but twice published.

The 5th day of the 8th m̊ is appointed a day of publiq humiliation through or iurisdiction.

N. The former grant to Nantascot was againe voted & confirmed, & Hingham men willed to forbear troubleing the Cort any more about Nantaskot.

Mr Parker is disingaged about the powder for Waymoth, & Mr Tory is charged therewth, hee acknowledging it to bee in his hand.

Poudr lent. Mr Tompson hath 3 barrels of his powder delivred him back, & Mr Fenwick had almost two barrels of powder.

Mr Robrt Saltonstall is to answer for a barrell of powder.

Thom: Wendall, for abuseing a girle, was censured to bee whiped both heare & at Ipswich, & order taken that his mr defray the charge, & to have time in his servant for it.

Geo: Church was sent to Ipswich to bee tryed there, & order taken for defraying his charge.

Neg. Three conclusions were delivred in by Mr Cotton, in the name of himselfe & other eldrs about the negative voyce.

[*36.] *Gooddy Armitage is alowed to keepe the ordinary, but not to drawe wine.

Comittee in the vacancy of this Court. This Cort purposing to adiorne till the 17th of the 8th m̊, & not knowing what may fall out the meane while wch may require the authority of this Cort, it is therefore ordered, that the magistrats of the Bay, or the greater part of them, & the deputies of Boston, Charlstowne, Cambridge, Roxberry, Dorchester, or the greater number of them, shall have power (as a comittē) to take order (according to their best discretions) in all exigents & occasions wch before the next session of this Cort may fall out, eithr concrning the expedition now on foote agt Sam: Gorton, & the rest of that compa, or concrning any advice from the comissionrs of the United Colonies, about the Naviganset or Mohegen sachs & their people, so as they are not to enter upon any warr wth the Indians (other then defencive) before this Cort bee againe assembled.

It was voted, Mr Winthrope, Iunior, should bee paid his bill of 50t by Mr Stoughton, or othrs, except what is already paid. 1643.

It is ordred, that Stephen Day shalbee released, giving 100t band for his appearance when hee is called for. 7 September.

It was ordered, Mr Stoughton & John Johnson the surveyar should have warrant to deliver Capt Cooke, Leift Atherton, & Edward Johnson, or any of them, what they desire, as needfull for themselues or their company.

The Cort is adiourned till the 17th day of the 8th m̃ at noone.

(8) 17. 17 October.

Mr Israell Stoughton tooke the oath of an Assistant.

It was ordered, Mr Stoughton should pay 20t to the souldiers of the stock in his hand.

18. It was ordred, the watches should bee layd downe,

It is declared by this Cort, that the surveyar of the armes, (who also executes the office of the clarke of the band,) whether hee bee chosen by the freemen onely or by the whole millitary company, all such acts as have bene or shalbee done by him according to law are & shalbee accounted good & effectuall. 557–

It is ordered, that a letter should bee written to Adam Goodwin, Thom: One, & the rest of p̃vidence.

It is ordered, that onely the two sergents wch use to attend the Govrnor, & no more, should attend at the Cort. 558–

Mr Nelson is appointed insteed of Mr Bellingham to see people ioyne in marriage at Rowley.

There is granted to Haverell a p̃cell of meadow, about sixescoare acres, more or lesse, west of Haverell about sixe mile. Meadow to Hauerill.

This Cort, taking into consideration the necessity of husbanding mens time in this country, & lessening the charges of the Genrall Cort, have conceived, that it would avoyde the losse of much time if the deputies were chosen for one whole yeare, & that if in every sheire the matrats & deputies there inhabiting, or so many as can intend it, did meete at convenient times before evry Genrall Cort to consult of & p̃pare such businesses as are to bee determined at the same Cort, wch would much shorten the time wch is spent in the Genrall Cort, & consequently the charge also, this wee have ordered to bee declared to the freemen of the severall townes, that if it shalbee thought fit to put this in practice, an order may bee made at the next Cort for establishing thereof; & it is now ordered, that after the deputies for the next Cort of Election shall bee chosen, such meeting, as aforesaid, may bee had in the 559–

1643. severall sheires, wherby the country may have some tryall of the fruite of that w^ch^ is now propounded.

17 October. It is ordered, that if any freeman shall put in more then one paper or
560– beane for the choyce of any officer, hee shall forfett 10^t^ for every offence; & any man that is not free, puting in any vote, shall forfett the like sōme of 10^t^.

561– It is declared, that whereas in the Booke of Liberties, N. 23, it was ordered none should take aboue 8^t^ ꝑ c., bills of exc^a^ are excepted.

562– Wheras, by a former order, men were ordered in debts to accept wampam to the valewe of 10^t^, it is now ordered it shall passe but to the value of

[*37.] *It is ordered, that Pumhom & Socononocho should have each of them lent them a fouling peece, & Benedick Arnold hath liberty to supply them powder & shot as hee seeth occasion.

It is ordered, that M^r^ Symonds should have the Court booke for a fortnight or thereabouts, to ꝑfect his coppey thereof for their sheire & Co^r^t.

Collecot ord^r^. Rich^r^d Collecot, Edward Fuller, John Cauldwell, & Rich: Smyth are appointed to fetch the cattle from Providence.

563– Whereas, at the Co^r^t houlden at Boston the 4^th^ 7^th^ m̄, 1639, there was
Topsfeild. certaine land lying neare Ipswich Ryver granted for a village, eith^r^ to some of
Salem. the inhabitants of Salem, or some of the inhabitants of Ipswich, who have farmes near unto the said land, to bee enioyed by those who first setteled a village there, they both ꝑpounding for it togeth^r^; howsoev^r^ the ord^r^ mentioneth onely Salem inhabitants, & forasmuch as the said inhabitants of Ipswich have for neare this two years ꝑcured & maintained one to dispence the word of God unto them, w^ch^ they intend to continue, it is therefore ordered & granted, that M^r^ Jn^o^ Endecott & the said inhabitants of Ipswich, viz., M^r^ Bradstreete, M^r^ Symonds, M^r^ Whittingham, M^r^ Willi: Paine, M^r^ Rob^r^t Paine, & such oth^r^ of Ipswich or Salem as they shall associate to themselues, shall have lib^r^ty to settle a village near the said ryver of Ipswich, as it may bee most convenient for them, to w^ch^ the foresaid land shall belong, viz., all that w^ch^ lyeth near the said ryver, (not formly granted to any towne or ꝑson,) ꝓvided that any of the inhabitants of Salem, who have farmes near unto the said land now granted, shall have liberty for one yeare next comeing to ioyne w^th^ the said village, & to have their equall & ꝓportionable priviledge in the same: And whereas M^r^ Bradstreete hath liberty granted him to take his farme of 500 ac̄ in the next convenient place, that is fit for a farme, to that w^ch^ is granted to M^r^ John Endecott, w^ch^ may ꝑve ꝓiudiciall to the said village, it is therefore ordered, that the said M^r^ Bradstreete shall have liberty to take his said farme of 500 ac̄ in any other place not yet granted to any towne or ꝑson,

nor ꝑiudiciall to any plantation made, or to bee made, w^ch^ when hee hath so done, & manifested the same to this Co^r^t, his aforesaid grant shall fourthw^th^ bee voyde, & the said land shall belong to the village before mentioned, to bee disposed of by the inhabitants thereof, for the good of the whole. 1643. 17 October.

And if Salem & Ipswich shall not agree before the next Co^r^t about a ꝑcell of medowe now desired by Salem to bee to Wennam, then the Co^r^t shall determine it.

Whereas it is found by expience that there hath bene much trouble & difference in severall townes about the manner of planting, sowing, & feeding of comon corne feilds, & that upon serious consideration wee finde no gen^r^all order can ꝑvide for the best imꝑvement of ev^r^y such comon ffeild, by reason that some consists onely of plowing ground, some haveing a great part fit onely for planting, some of meadowe & feeding ground; also, so that such an order as may bee very wholesome & good for one feild may bee exceeding ꝑiudiciall & inconvenient for another, — it is therefore ordered, that where the comoners cannot agree about the manner of imꝑvement of their feild, eith^r^ concerning the kind of graine that shalbee sowen or set therein, or concerning the time or manner of feeding the herbage thereof, that then such ꝑsons in the severall townes that are deputed to order the prudenciall affaires thereof, shall order the same, or in case where no such are, then the maior part of the freemen, who are hearby enioyned w^th^ what convenient speed *they may to determine any such difference as may arise upon any information given them by the said comoners; & so much of any former order as concerns the imꝑvement of comon feilds, & that is hearby ꝑvided for, is hearby repealed. 564– [*38.]

Whereas wee are directed, not onely by the practise of all civill nations, but also by the rule of Christian & comon pollicy, to ꝑvide for our owne safety upon all occasions, —

This Co^r^t, (in respect of these & other weighty reasons,) haveing duely considered the conditions of this country, & accordingly (in that behalfe) enacted & ordained that a sergent maior generall shalbee chosen to comaund the whole army, as also a sergent maior in ev^r^y sheire or regiment, & to the end that every place aforesaid may bee supplied & ꝑvided of such ꝑsons as are & may bee best qualified, do therefore order, 1. That the sergent maior generall shalbe chosen at the next Co^r^t of Elections, this choyce to bee made by the body of the freemen in such sort as they are (or shall bee by this Co^r^t) appointed to choose the Governo^r^.

2. That every sheire (except Norfolke) shall choose a sergent maior to comaund, conduct, & leade the forces of that sheire, w^ch^ choyce shalbee made as aforesaid by the freemen of every sheire, (the order of the Gen^r^all Co^r^t

1643. 17 October. whereby Mr Stoughton & Mr Saltonstall were appointed to bee sergent maiors of the south & east regiments being now repealed, (at their owne request,) and that all whom it shall concerne (of evry sheire) may bee well advised & informed in their choyce, it is further ordered, that the deputies of this ꝑsent Cort, upon the first 4th day of the first month next ensuing, shall assemble in this mannr, vizꝭ: The deputies of Suffolk at Boston; the deputies of Middlesex at Cambridge; the deputies of Essex & Norfolk at Salem; who (being thus assembled) are desired, upon serious considration among themselues, to returne the names of such unto their severall townes, as they shall thinke may bee most meete, for the places above mentioned, notwthstandg wch returne the freemen of evry towne (meeting in their severall townes the 4th day of the weeke following, to elect their sergent maior genrall) shall use their liberty therein, wch election shalbee made by proxies, to bee received & sealed up by both or either of their deputies, & brought by them unto their sheire townes aforesaid upon the 4th day of the weeke following; that is to say, the votes of Suffolk to Boston, before the Gornor & other magistrates there; the votes of Middlesex to Cambridg, before Mr Nowell & Mr Flint; the votes of Essex & Norfolke to Salem, before the Deputy Govrnor, who (togethr wth the deputies of the sheire) shall open the said proxies, & such in evry sheire as have most voyces (being thereby chosen sergent maiors) shalbee so declared to the country; and it is ordered, that untill there shalbee leiftents chosen for evry of the said sheires in such manner as is hear exꝑsed, the sergent maior of evry sheir shall execute the office & power of such leiftent in the meane time.

Boston hath 6 weeks liberty to repair their wayes betwixt Winnet semet & the written tree.

Mr John Wheelright is granted a safe conduct, if hee shall desire it, to come to the next Cort.

Luce Pease, the wife of ^ Pease, appering, & ꝑfessing that shee doth abhor & renounce Gortons opinions, & confessing her fault in bloting out somethings in the booke wch shee brought, & in shewg the same before shee had delivred it, & ꝑfessg shee was sorry *for it, shee was dismissed for the ꝑsent, to appear when shee shall bee called for. [*39.]

Dedham hath 3 weeks further time granted them to settle their bounds; and then Roxberry men × × × ×

And Eleazer Lusher, Josua Fisher, & Mr Hugh Prichard are appointed, insteed of Capt Jeanison & Mr Oliver, to lay out the land of Roxberry men; & Capt Keayne should have his 400 ad there layd out by the same men, if it bee there to bee had near Dedham & Watertowne.

It is ordered, Mr Edward Tomlins should have 22t to repair Mistick bridg, to make it strong & sufficient, for wch some of 22t hee hath undertaken it. 1643. 17 October. Mistick bridg.

John Johnson, the surveyar of the arms, was ordered to deliver two sacars to Mr Robrt Saltonstall, wch Mr Bellinghaṃ sould him, haveing brought them over upon his owne account.

Mr Mayhewe was granted 3t for losse in 60 bushels of corne.

Mr Mayhewe is granted 300 ac of land in regard of his charge about the bridge by Watertowne mill, & the bridge to belong to the country. 566–

A bill of 26. 2. 10d is alowed the Treasurer for charges of cattle & corne, & Mr Bradstreets iourney to Pascataq, &c.

And 34shs is granted Nicho: Busbey for making cloth before the order for alowance was revoked, & the warrant was lost.

The Charge of the Prisoners, Samu: Gorton & his Compa. Gorton charge.

Upon much examination & serious consideration of yor writings, wth yor answers about them, wee do charge you to bee a blasphemos enemy of the true religion of or Lord Jesus Christ & his holy ordinances, & also of all civill authority among the people of God, & perticulerly in this iurisdiction.

Josua Hubberd & Bozoon Allen being both absent, they were fined 20shs.

The clause in the order N. 438 for the penulty of 100t for any departing wthout leave is declared onely to bee ment of the first session. 100 deprting ye Cort.

It was voted, that 5t 15shs should bee alowed Mr Ruck for the charge of the cōittē wch met at Salem.

Mr Stories petition is answered thus: Wee conceive that hee can blam none but himselfe that his causes were not tryed the last Quarter Cort; & therefore hee must stay till the Cort come againe, unlesse in the mean time Capt̃ Keayne & hee come to an agreemt betwixt themselues, wch wee much desire.

Goodm̃ Shermans petition is answered thus: Wee conceive that if Capt̃ Keayne bee willing, & accordingly shall pforme what was undertaken for him in the first session of this Cort, that then Sherman shall give him a discharge for all differences & controversies concerning the sowe; wch if hee refuse to do, hee shall bee debarred any further hearing forever; but if Capt̃ Keayne refuse, Goodm̃ Sherman may take the benefit of the lawe.

Wee thinke some quantity of land may bee granted the Wheelers of Concord, & the reste in that petition, pvided that within two years they make some good improvement of it. 567–

1643. 17 October. M^r^ Higgesons petition is thus answered: Wee can find no record about the matter of this petition, but that the petition^r^ might have liberty to print it, & make his best of it, w^ch^ is the answere now to this petition; if any p̃ticuler ꝑsons disswaded him fro^m^ the printing of it, & thereby occasioned his losse, they, & not the Co^r^t, are to give him satisfaction.

M^r^ John Allen, the pasto^r^ of Dedham, is granted 200 a̅ of land, to bee layd out by Eleazer Lusher & Edmond Rice.

The Governo^r^ was desired to write to the Indians, to request them to send us the captives w^ch^ they have taken of the English, M^rs^ Hutchinsons & M^r^ Samfords children.

[*40.] *M^r^ Biscoe his petition is rem̃itted to 50sh^s^, & that to bee taken.

John Stow^e^s fine of 40^s^ upon M^r^ Philips his petition is remitted.

John Procto^r^ is exempt from training, paying to the company 20^s^ for the time past, & 5sh^s^ ꝑ @ for the time to come.

Gorton. It is ordered that Samu: Gorton shalbee confined to Charlstowne, there to bee set on worke, & to weare such boults or irons as may hind^r^ his escape, & to continue dureing the pleasure of the Co^r^t; ꝑvided that if hee shall breake his said confinem^t^, or shall in the meane time, either by speach or writing, publish, declare, or maintaine any of the blasphemos or abominable heresies wherew^th^ hee hath bene charged by the Gen^r^all Co^r^t, conteined in either of the two books sent unto us by him or Randle Holden, or shall repach or repve the churches of o^r^ Lord Jesus Christ in these United Colonies, or the civill governm^t^, or the publiq ordinances of God therein, (unless it bee by answere to some question ꝓpounded to him, or conference w^th^ any elder, or w^th^ any other licensed to speake w^th^ him privately, under the hand of one of the Assistants,) that im̃ediately upon accusation of any such writing or speach, hee shall by such Assistant, to whom such accusation shalbee brought, bee com̃itted to prison, till the next Co^r^t of Assistants, then & there to bee tryed by a iury, whether hee hath so spoken or written, & upon his convixion thereof shalbee condemned to death & executed. Dated the 3^th^ of the 9 m̃, 1643./

John Wicks, Randle Holden, Rob^r^t Potter, Rich^r^d Carder, Franc̃ Weston, & John Warner are confined upon the same conditions.

John Wicks, to Ipswich,
Randle Holden, to Salem,
Robert Potter, to Rowley,
Rich^r^d Carder, to Roxberry,
Franc̃ Weston, to Dorchest^r^,
John Warner, to Boston.

} All these are upon the same conditions that Samuell Gorton, aboue named, is.

Willi: Woddell is confined to Watertowne dureing the pleasure of the Co^rt, & if hee escape, to bee punished as this Court, or the Co^rt of Assistants, shall thinke meete. 1643. 17 October.

The Treasurer was ordered to satisfy Capt̃ Cooke for the souldiers, for Thom: Parris, the surgeon, 40sh^s.

M^r John Bulkeley 40sh^s, Sergent Samu: Greene 3^t, Leift̃ Atherton & Edward Johnson, five pound a peece.

Capt̃ Cooke ten pounds, p̃t of the 20^t in his owne hands.

It is ordered, that M^r Bellingham should have 50^t alowed him for the yeare hee was Governo^r. M^r Bell., 50^li.

It is ordered, that M^r Winthrope, the p̃sent Gov^rno^r, should have 50^t alowed him for the last yeare. M^r Winth., 50^li.

It is ordered, that Christopher Holmes shall pay 5^t, & bee dismised.

It is ordered, that John More shall pay 5^t, or bee put to servise till hee have paid it.

It is ordered, that Rich^rd Harkot shalbee put to M^r Batter for one yeare, to have meate, drinke, & such wages as the Co^rt at Salem shall thinke meete; & hee is not to go out of Salem w^thout the leave of his m^r.

It is ordered, that warrant shalbee directed fourthw^th from this Co^rt, by the Secretary, to the cunstables of the severall townes to w^ch Samu: Gorton & the rest of that company are confined, to this effect, viz^t: that w^thin one weeke after the deliv^ry of such warrant they shall p̃vide a house & such things as shalbee necessary for their lodging & support, & that they take course for worke to bee p̃vided for them, for or toward their maintenance, & what they cannot attaine by their worke is to bee supplied by the cunstables for the p̃sent, & their *bill of charges, being signed by any two magistrates, shalbee alowed by the Treasurer, fro^m time to time; & if any of them will × do such worke as they may, & as shalbee appointed them, they are to bee left to shift as they may; & the cunstables are to p̃form what is hearby enioyned them, upon paine to bee fined for their neglect at any Co^rt where it shalbee p̃sented or complained of. Gorton. [*41.]

It is ordered, that all such cattle of Samu: Gortons, John Greens, as have bene sëized, or shalbee seized, for the satisfaction of × charges as the country hath bene put unto by sending to ×, fetching them in, & other charges about the tryall in the Court, & expences in the prison, or otherwise, shalbee appraised and sould to the most advantage, & disposed of accordingly; & the overplus to bee reserved by the Treasurer towards their maintenance.

Rich^rd Waterman is dismissed for the p̃sent, so that what is × en of his is to go toward payment of the charge, & the rest of his estate is bound in

1643. 17 October.

an 100ᵗ that hee shall appear at the Generall Crt the 3ᵗʰ 8ᵗ, & not to depart wᵗʰout license, & to submit to the order of the Crt.

Nicholas Power, appearing, & denying that hee set his hand to the first booke, was dismissed wᵗʰ an admonition.

The magistrates & deputies of the neare townes are appointed a comitte to consider of the declaration, & to answer Mr Maverick & Thom: Marshalls petitions, & to finish things in hand.

James Parr, haveing his house & things burnt, was granted four pounds out of the treasury.

Thom: Marshalls petition is granted, & hee is x x x x

Seaton. For appraising the cattle brought from Providence, the prisoners have liberty to name two, Robt Turner & the souldiers two, the Crt one; the prisoⁿˢ refusing, the Crt, Robt Turn', & the x ers chose Mr Colebron, John Johnson, & Willi: Parke.

Mr Mavericks fine is abated to 20ᵗ, & for that Capt x bill is accepted.

Mr Collecot is alowed for his two journeys 3ᵗ, & for his horse x ; the other three men 10ˢ p weeke a peece.

The comitte was adiourned to the 16ᵗʰ of the 9ᵗʰ 8ᵗ.

Seaton. If the souldiers did kill Stewkley Wanket a lamb, the Treasurer is to alow for it.

Willi: Bent his fine of 10ᵗ is remitted to 20ˢᵇ, upon his petition.

Jenken Davies, upon his wifes petition, hath liberty granted to leave of his rompe dureing the Crts pleasure.

1643–4. *A Generall Crt, held at Boston, the 7ᵗʰ of First Mᵒ, 1643–1644.

7 March. [*42.]

Present, The Gov'no',
The Deputy Gov',
Mr Dudley,
Mr Bellingha,
Mr Winthrope, Iun:,
Mr Hendtreete,
Mr Hibbens,
Mr Flint,
Mr Symonds,
Iuer: Nowell.

Deputies present,

Willi: Hilton,
Willi: Haward,
Ihom: Dudley,
Edwd Winslowe,
John Lowell,
Hen: Short,
Mathewe Boyce,
Edward Carlton,

Dan: Denison,
John Tuttle,
Joseph Bachiler,
× o: Norton,
× a: Downing,
Wm Hathorne,
× Ro: Bridges,
Edwd Tomlins,
Ro: Sedgwick,
× Sprage,
Geo: Cooke,
Sam: Sheoprd,
Thomas Mayhewe,
× Mason,
× Lusher,
× Chickring,
× Willard,
× Hayne,
× Johnson,
× Hawkins,
× Tynge,
Joseph Weld,
× Johnson,
× Glover,
× atha: Duncan,
× Basse,
× r Backet,
× Tory,
× Hollistr,
× ho: Eames,
× a Hubbrd,
× e: Winthrope.

1643–4.
7 March.

WOSSAMEGON, Nashowanon, Cutshamache, Mascanomet, & Squa Sachim did volentarily submit themselves to us, as appeareth by their covenant subscribed wth their own hands, hear following, & othr articles to wch they consented.

Wee have & by these presents do voluntarily, & wthout any constraint or pswasion, but of or owne free motion, put orselues, or subiects, lands, & estates under the government & iurisdiction of the Massachusets, to bee governed & ptected by them, according to their iust lawes & orders, so farr as wee shalbee made capable of understanding them; & wee do pmise for orselues, & all or subiects, & all or posterity, to bee true & faithfull to the said government, & ayding to the maintenance thereof, to or best ability, & from time to time to give speedy notice of any conspiracy, attempt, or evill intension of any which wee shall know or heareof against the same; & wee do pmise to bee willing from time to time to bee instructed in the knowledg & worship of God. In witnes whereof wee have hereunto put or hands the 8th of the first m̃, @ 1643–1644. 566–

CUTSHAMACHE,
NASHOWANON,
WOSSAMEGON,
MASKANOMETT,
SQUA SACHIM.

Certeine Questions ppounded to the Indians, and Answears.

F. To worship ye onely true God, wch made heaven & earth, & not to blaspheme him.

1643-4. 7 March.

An: We do desire to revrence ye God of ye English, & to speake well of him, because wee see hee doth better to ye English than othr gods do to others.

2. Not to swear falcely. An: They say they know not wt swering is among ym.

3. Not to do any unnecessary worke on ye Saboth day, especially wthin ye gates of Christian townes. An: It is easy to ym; they have not much to do on any day, & they can well take their ease on yt day.

4. To honor their parents & all their supiors.

An: It is their custome to do so, for the inferiors to honor their supiors.

5. To kill no man wthout iust cause & iust authority.

An: This is good, & they desire to do so.

6. To comit no unclean lust, as fornication, adultery, incest, rape, sodomy, buggery, or beastiality. An: Though sometime some of ym do it, yet they count that naught, & do not alow it.

7. Not to steale. An: They say to yt as to ye 6th quere.

To suffer their children to learn to reade Gods word, yt they may learn to know God aright, & worship him in his owne way.

They say, as oportunity will serve, & English live among ym, they desire so to do.

That they should not bee idle.

To these they consented, acknowledging ym to bee good.

Being received by us, they psented 26 fathome of wampam, & the Court directed the Treasurer to give them five coats, two yards in a coate, of red cloth, & a potfull of wine.

[*43.] *That for the meetings appointed by the last Court for election of sergent maiors, & such sheirs as cannot by reason of this Court meete & accomplish the same according to the intent of the former order, shall take a weeke or a fortnight more, so as the service may bee duely pformed, & the dayes bee appointed by the deputies of such sheires.

Castle Ild. It is ordered, that it shalbee lawfull for the inhabitants of the townes wthin the Bay, or any convenient number of them, to erect a fortification upon the Castle Iland, such as the psent time & their abilities will give liberty and oportunity unto, & to repair the batteries there, or any of them, & to maintaine the same, & to keepe such garrison there, as the necessary defence of the place shall require; & that they shall have liberty to take back unto the said iland such ordinance & amunition as was lately fetched from thence, or so much thereof as they shall make use of, any former order to the contrary notwithstanding.

Peter Bracket is alowed clarke of the writts at Braintree. 1643-4.

Willi: Fiske is appointed & alowed to keepe an ordinary at Wennam. 7 March.

In regard of the defect of freemen at Marblehead, it is ordered, that the inhabitants of Salem shall have liberty to comend some honest & able man, though hee be not a freeman, & the Deputy Governor shall have power (if hee thinke him fit) to give him the oath for cunstable of that place, to continue till this Court shall take further order.

When the townes in the Bay shall have repaired the two in Castle Iland, & mounted the ordinance, & erected a fortification there of fifetye foote square within, the wall ten foote thick at least, & height ꝓportionable, with stone, timber, & earth, & a sufficient garrison of twenty men at least ꝓvided for the defence of it, this Court will alow one hundred pounds ꝓ @ towards the maintenance thereof, & this Court will also alowe, towards this worke, & the secureing of the other passage by Byrd Iland, one hundred pound, to bee paid when both the said works shalbee finished. And it is further ordered, that notwthstanding the charge to bee defrayed by the townes in the Bay, yet the said fortifications to bee still accounted to belong to the country, & this Court, or the councell of warr, from time to time to have the comaund & disposall thereof, as occasion shall require. Castle Il.

And it is further ordered, that there shalbee five barrells of powder, & a suitable ꝓportion of shot, alowed to the Castle for the ꝑsent, which is not to bee spent but for the defence of the place, & ordinary salutation of ships.

Nicholas Frost his sentence of banishment is taken of, hee being well reported of. Ni: Frost.

It is ordered, that Samu: Gorton, & the rest of that company who now stand confined, shalbee set at liberty, ꝓvided, that if they, or any of them, shall, after fourteene dayes after such inlargment, come wthin any part of our *iurisdiction, ether in the Massachusets, or in or neare Providence, or any of the lands of Pumhom or Sochonocho, or elsewhere wthin our iurisdiction, then such person or ꝑsons shalbee apꝑhended wheresoever they may bee taken, & shall suffer death by course of lawe; ꝓvided, also, that dureing all their continuance in our bounds, inhabiting for the said time of fourteen dayes, they shalbee still bound to the rest of the articles of their former confinement, upon the penulty therein exꝑssed. Gorton. [*44.]

Strawberry Bank is granted to have a barrell of powder, paying for it in dry fish, as Dover is to do for the barrell granted formerly to Northam.

It is ordered, that it shalbee lawfull for one smith of Boston to bee appointed by the magistrates there to amend the guns of those sachims which have submitted themselves to our goverm^t, & that hee set a marke upon such peeces Indians.

1643-4. of theirs as hee shall mend, so as no other may bee amended under colo^r^ thereof; & by this order is not intended the peeces of their men, but onely one for every of themselues; & that it shalbee lawfull for the Governo^r^ for the time being to licence any man to sell to the said sachims four pound of powder for one yeare, & so fourth on, & shot answerable, ꝑvided care bee taken they have not more then is intended.

7 March.

In the case of difference between the late widow of Thom: Wilson, of Excetter, & his eldest sonne, forasmuch as both parties are not ꝑsent, it is referred to the Co^r^t at Ipswich to heare & determine the cause.

In the case of William Davies, dying intestate, it is ordered, the eldest sonne to have twenty marks, the other sonne, a yonger daughter by his former wife, sixe pound a peece, the eldest daughter two pound, & the widow to have the rest for her selfe, & bringing up of the two yonger children, & at twenty years of age, or at their marriage, to give them five pound a peece, & if any losse come, to make the estate less then one hundred pounds, to abate each ꝓportionablely.

Ab^t^ Armitage & Oatly.

It is ordered, that it shalbee referred to M^r^ Hathorne, M^r^ Downeing, & M^r^ Bishope, to here & determine the difference between M^r^ Otely & Goodm̃ Armitage, [illegible] & they have power to examine witnesses upon oath.

567- It was declared, that the former com̃ission to the gentlemen appointed to keepe Co^r^t at Pascataq is of force still; & those gentlemen were desired, & M^r^ Bellingham w^th^ them, that they, or some two of them, would repair thither, w^th^ all convenient speede, to keepe Co^r^t there; & it is desired that M^r^ Bellingham & M^r^ Saltonstall would ꝓforme it this time.

Geñ Court deuided to sit aparte.

Forasmuch as, after long experience, wee find divers inconveniences in the mann^r^ of o^r^ ꝓceeding in Co^r^ts by ma^trats^ & deputies siting together, & accounting it wisdome to follow the laudable practice of other states who have layd groundworks for government & order in the issuing of busines of greatest & highest consequence, —

[*45.] *It is therefore ordered, first, that the magistrates may sit & act busines by themselues, by drawing up bills & orders w^ch^ they shall see good in their wisdome, w^ch^ haveing agreed upon, they may ꝑsent them to the deputies to bee considered of, how good & wholesome such orders are for the country, & accordingly to give their assent or dissent, the deputies in like mann^r^ siting a ꝑt by themselues, & consulting about such orders & lawes as they in their discretion & expience shall find meete for com̃on good, w^ch^ agreed upon by them, they may ꝑsent to the magistrats, who, according to their wisdome, haveing seriously considered of them, may consent unto them or disalow them; & when

any orders have passed the appbation of both ma^trats & deputies, then such orders to bee ingrossed, & in the last day of the Court to bee read deliberately, & full assent to bee given; ꝑvided, also, that all matt^rs of indicature w^ch this Co^rt shall take cognisance of shalbee issued in like manner. 1643–4. 7 March.

Upon heareing the difference of a considerable p̃t of the train band in Hampton, & their now Leift̃ Willi: Haward, the Co^rt not finding any iust cause to remove him out of that office, yet upon his desire, & o^r care for reconciling brethren, & for the furtherance of the service intended, this Co^rt doth order that Capt̃ Denison shall have liberty & power to exercise the said company when hee shalbee desired, yet so as Leift̃ Haward shall not bee excluded; & wee do requir & shall expect that the company will chearfully attend that service, under the com̄aund of them both, in such manner as they both shall see cause to order it.

M^r Robert Saltonstalls petition against Watertowne is referred to com̄issio^rs, M^r Secretary, M^r Hibbens, & M^r Samu: Sheopard, to hear & determine it, if they, or any two of them, can agree, otherwise to certify, &c, to the next Gen^rall Co^rt, & they may examine witnesses upon oath.

Upon Bray Wilkins petition, it is ordered, that the five pound due fro^m him for his boy should remaine in his hands till, upon the death or recovery of the boy, this Co^rt should take further order.

Thom: Dexters petition is answered, there is two months given him to ꝑve his debt from the country.

Whereas the order for the recording of deaths, births, & marriages is very usefull & necessary, & yet it hath bene in many places much neglected, it is ordered, that all parents, masters of servants, executo^rs, & administrato^rs respectively, shall stand charged to bring into the clarks of the writs the names of such, belonging to them, or any of them, as shall either bee borne or dye, & that the newe married man shall stand likewise bound to bring in a certificate of his marriage, under the hand of that ma^trate w^ch married him, to the clarke of the writts, who shall, under the penulty of twenty shillings, bring a certificate under his hand, w^th a penny a name, aswell for the recording of marriages as the rest; & for each neglect the ꝑson to whom it doth belong shall forfeit as followeth, viz^t: If any ꝑson shall neglect to bring in a note, or certificate, as aforesaid, together w^th three pence a name, to the said clarke of the writs, to be *recorded above one month after such birth, death, or marriage, hee shall then pay sixepence to the said clarke; if hee neglect two months, twelue pence; if three months, five shillings; w^ch forfeits shalbee returned into the treasury; also, wee thinke it were meete the grandiuries were minded to ꝑsent such defaulters as they take notice of against the intent of this order. 568– Birthes, burialls, marriages. [*46.]

1643-4. 7 March. 569- Monop. of Indian trade.

The petition of Mr Valentine Hill, Capt Robrt Sedgwick, Mr Willi: Tinge, Treasurer, Mr Franc̃ Norton, Mr Thom: Clarke, Josua Hewes, & Willi: Aspinwall is granted them.

First, they are established a free company of adventurers, wth liberty to admit & take in any wch they thinke meete for the advancment of the worke, & any that will may come in wthin this month; but none after, except they appve of them; they are granted power to make such wholsome orders for the well managing of their trade as is granted to such companies in other parts: 2ly. That whatsoever trade they shall discover in those parts wthin three yeares next ensuing, (if the Lord so blesse their endeavors,) they may enioy it solely to themselues & the rest of their company for twenty & one yeares after such discovery is made, wth full power & authority from this Court to inhibite & restraine any other pson or psons whatsoever, during the tearme aforesaid, that shall attempt any trade (by them discovred) wthout the warrant of the aforesaid company; or if they have or shall intermeddle, as aforesaid, that then it may bee lawfull for the company in a legall way to seize upon such goods so traded: & lastly, they are granted the Corts letters, under the publiq seale, unto the Dutch or Swedes, or any other they may necessarily have to do wth in the psecution of this discovery or trade, for the furthr countenancing of their pceedings.

Mr Dudley.

Upon the petition of Thom: Dudley, Esq̃: Whereas, by a deed bearing date the 29th of May, 1639, the halfe mill of Watertown was mortgaged unto Mathewe Cradock, wch the petitioner hath redeemed, it is therefore ordered, that the deede of mortgage bee delivered unto the said Mr Dudley, & this Cort doth confirme the estate, right, & title of the said halfe mill unto him, the said Thom: Dudley, & his heires, against the heires & assignes of him, the said Mathew Cradock, according to the covenant in the deede aforesaid.

570- It is ordered, that the lands & estates of all men, where ever they dwell, are lyable to bee rated for all towne charges where the lands & estates lye, their psons to bee rated to church & cōmon welth in the places where they dwell; but in case they remove out of or iurisdiction, then their estates to bee rated to all charges.

Marblehead hath leave granted to fortify it selfe, by a breast worke or otherwise, & two guns to bee delivered unto them, wth convenient ām̄unition suitable there to.

The motion for a coppey of the patent & cōmission according to the tenure, &c, is granted to Newehaven.

[*47.] Dover petition, &c. The gentlemen who are desired to keepe *the court at

Pascataq are desired to veiw & examine the complaint, & to certify the next Co^rt. 1643–4.

7 March.

It is ordered, that Benedick Arnold may sell some powder & shot to Pumhom & Sochonocho, ꝑvided that hee let them not have above three pound a peece through the whole year; & it shalbee lawfull for the said Benedict to imploy that Indian w^ch hee keepeth as his servant to shoote in a peece for the use of him, the said Benedict, so long as hee shall continue in his family.

Daniell Fairfeild is alowed to go to work w^thin any part of Boston lymits, both in the ilands & elsewhere, & also at Roxberry, so as hee go not above five miles from Boston meeting house.

The gen^rall covenant for matt^rs of religion & civill liberties was taken into consideration, & ordered that lett^rs should bee written to the other United Colonies to advise w^th them about it, & the eld^rs also to bee advised w^th about it against the next Court.

For the Castle Iland, it is ordered, that those townes in the Bay who are to carry on the worke there shall have power to appoint a cōmander there till the next Co^rt, & hee to observe the cōmission so farr as the defenciblenes of the place will give leave & oportunity. Cast. Il.

It is ordered, that the Governo^r, M^r Dudley, & M^r Hibbens, these, or any two of them, shalbe a cōmittē to consider of the body of liberties against the next Gen^rall Court, what is fit to bee repealed or alowed, & ꝑsent the same to the next Co^rt.

Also, the magistrates residing at Ipswich, or any two of them, are appointed a cōmittē for the same purpose, that so the Co^rt confering both together, may more easily determine what to settle about the same.

It is ordered, that Richard Bellingham, Es^q^, should finish that w^ch was formerly cōmitted to him, about the perusing the booke of laws, &c, & to ꝑsent the same to the next Co^rt.

The answers to the ꝓpositions for the iron works were granted, w^ch follow: — 571–

Monop. of iron works.

To the first article, the undertakers are granted the sole priviledge in o^r iurisdiction for twenty & one yeares, and any to have liberty to ioyne till the end of the first month, puting in one hundred pound under one head, & ꝓvided that after two yeares they make sufficient for the countrys use.

To the second ꝓposition, concerning mens ꝓpriety, it is w^thin the Co^rts power; but they will ꝓpound to the freemen & others, & they doubt not of their consent; & for wast lands not granted formerly, they consent.

To the 3^th^ ꝓposition, in wasts is granted what is desired; but to inhabited land it is answered as before.

1643-4.

7 March.

The 4th is answered as the former.

To the 5th ꝓposition it is answered, in ꝓprieties, as before, in wasts it is granted, ꝓvided they take not above six places, & do wthin ten years set up an iron furnacé forge in each of the places, & not a blomery onely, ꝓvided the

[*48.] Cort may grant a plantation in any place where *the Cort thinketh meete, wch may not hinder their ꝑsent ꝓceeding.

To the 6th ꝓposition, they are granted liberty to transport what the inhabitants neede not.

The 7th & 8th are granted onely liberty till the next Cort.

To the 10th, that the undertakers & their agents, associats, & servants shall for ten years bee free from publiq charges & taxations, for any stock they imply in this adventure; for priviledges, to have such as the lawes of the country doth alow; reserving liberty to consider of the lands till the next Cort, if the works bee deserted.

Sergent maiors to bee chosen at ꝑsent for one yeare onely.

It is ordered, that the next Cort at Ipswich shall examine the late mutiny there, & determine it, except they see cause to referr it to this Cort, or the Cort of Assistants, & that they shall also have power to moderate the fines for defaulters in matter of armes & not appearing at trainings for the time past, as they shall see cause.

Shawshin grtd to Cambridg.

Shawshin is granted to Cambridg, wthout any condition of makeing a village there; & the land between them & Concord is granted them, all save what is formly granted to the millitary company or others, ꝓvided the church & ꝑsent elders continue at Cambridge.

It was voted, that the 30t behind, due, for smaller & Quartr Corts, to Goo: Robrt Turner, the marshall should get up what hee can, & ye publiq to defray the rest.

Mather. Mr Madder to preach election sermon.

Mr Madder to bee desired to ꝑpare himselfe to ꝑach to ye assembly at ye next Cort of Election.

Anthony Emry, of Dover, his petition is refered to ye next Cort at Dover, & hee is alowed liberty to draw out his wine in the meane time.

Mr Downing his petition is granted, as ye comittē have certified.

Mr Treasurer, Mr Glover, Mr Johnson, & Eleazer Lusher are appointed comissionrs, or any three of them, to veiwe the place, &c, & to certify at the next Cort.

Sachre lent.

It was ordered, that the Treasurer should attend the spedy discharge of Mr Rainsborow his debt, wth the alowance of twenty pound forbearance for the time past, & the loane of two sachars for 2 greatr peeces for one voyage.

The debt of John Wood of twenty pounds is respited for two yeares, in regard of his great losse. 1643–4. 7 March.

John Coggeswell is granted to pay 16^{t} 12sh^{s} 6^{d} the 8th m̊ next, & 16. 12. 6^{d} the 8th m̊, 1645, upon his petition.

A Coppey of the Com̄ission for the Capt̃ of the Castle.

Whereas yo^{u}, A B, are by this Co^{r}t chosen & appointed com̄aund^{r} in cheife of the Castle Iland, & the sev^{r}all works belonging thereunto, togeth^{r} wth the souldiars as shall from time to time be residing thereupon, w^{ch} this Co^{r}t doth com̄it to yo^{r} trust & governm^{t}, authorishing you hereby to take into yo^{r} charge & safe keeping the said iland, Castle, & batteries, w^{ch} now are or hereafter shalbe made upon the said iland, togeth^{r} wth all the ordinance & other am̄unition w^{ch} shall fro^{m} time to time be deliv^{r}ed unto yo^{u}, so as yo^{u} may be able to render a iust account therof whensoev^{r} this Co^{r}t shall require the same. 572– Capt Cast I. his com̄iss.

2. When the said Castle, &c, shalbe finished, & once a garrison of twenty men or more com̄itted to yo^{u}, yo^{u} are hereby required to take care that there be never fewer then twenty men remaining upon the said iland for the defence of the said Castle, from the first of the first month *till the end of the 8th m̊, & never lesse then ten for the other part of the year; also, yo^{u} are from time to time, night & day, to keepe a due watch proportionable to the number of yo^{r} present garrison. [*49.]

3. Yo^{u} are, in time of apparent danger or iust suspition, to cause to come to an anchor any ship or ships, that, coming wthin shot of the said Castle, shall neglect or refuse to send ashore her boate, wth her coquet, or charter party, & to satisfy that shee is a freind, w^{ch} yo^{u} are to do after this mann^{r}: first, by making one shot thwart her fore foote; 2^{ly}, if yet shee neglect, by shooting right over her; & lastly, by indeavo^{r}ing to shoote through her, continuing so to do till yo^{u} have brought her under com̄aund; w^{ch} being done, yo^{u} shall requir & take of her ten shillings for the first shot, twenty shillings for the 2^{d}, & five pound for the 3^{d}; & if shee have made any shot at the Castle, or forced yo^{u} to make more at her, then yo^{u} are to keepe her under com̄aund, & cause her to bring her sayles a shore till yo^{u} have further direction what to do from such as shall have power to determine such cases.

And for pinnaces or boates, yo^{u} shall suffer none to passe the said Castle in the night wthout giving due satisfaction that they are freinds, & in the day time, if the number of them, or men in them, give ground of suspition, yo^{u} may hale them, & bring them under com̄aund.

4. Yo^{u} shall not suffer any ship, or other vessell of twenty tuns or

1643-4. 7 March. upwards, y^e great^r number of y^e owners not being inhabitants w^th in this iurisdiction, as also all such vessels as are o^r confederates, to passe by the said Castle outward bound, except hee have payd unto y^e officer appointed to take 6^d a tun for anchorage, & shewe yo^u a discharge for her clearing und^r the hand of the Governo^r, or Deputy Gov^rn^r, (for the time being,) but use y^e best meanes yo^u can to stop her, or sink her if shee refuse so to do.

5. Upon the sight of a ship, yo^u shall fourthw^th hang out a flag, & upon sight, or certeine intelligence, of two or more unknowne ships, or many pinnaces, being upon the coast, yo^u are forthw^th to give warning therof by shooting of a peece of ordinance, & giveing a furth^r signall by hanging out so many flags in the day time, or making so many fires in the night, as there are ships, accounting three pinnaces to one ship; & if there be more then four ships, or pinnaces ꝑportionable, yo^u shall hang out a great flag in the day & fire the beacon in the night.

6. In case yo^u bee assaulted by an enemy, yo^u shall use yo^r best skill, & do yo^r utmost endevo^r, by the help yo^u have & such succo^rs as shall be further sent unto yo^u, to defend the said Castle, & destroy yo^r enemies, & shall not render up the said Castle to any enemy till by force yo^u be absolutely compelled thereunto, & then to do it upon the hono^rablest tearmes for this cōmon wealth w^ch may possibly bee attained.

7. Yo^u have hereby power granted to imprison or put in boults any of yo^r said garrison that shall neglect or refuse to obey yo^r lawfull cōmaunds, or to inflict some lesser punishm^t suitable to his or their offence, ꝑvided that yo^u shall not imprison any offender above 24 houres w^thout releasing him, or bringing him to a further tryall, unlesse the season of the weather or some oth^r impedim^t doth necessarily ꝑvent, in w^ch case the next oportunity is to be taken.

8. For salutations of ships, &c, yo^u shall observe this order: For 3 peeces fro^m a ship to 7, yo^u shall answer w^th one, & for 7 or more w^th 3, & not above; & for oth^r salutations & expence of powder, yo^u shall be as sparing as may well stand w^th the hono^r of yo^r selfe & country.

9. Untill the aforesaid Castle & works be finished, or made defencible, yo^u shall onely be bound to follow this cōmission & instructions so farr as conveniently yo^u may, & as may most tend to the cōmon safety.

10. Yo^u shall peaceably deliv^r up the said Castle ordinances & other aīunition, together w^th this cōmission, to such as by authority of this Court *shall require the same, & to no other ꝑson except forced, as is afore limitted. [*50.]

All penulties to be received by vertue of this cōmission yo^u shall reserve to be implied to the use of the said fortifications & garrison by the advice of

such as shall have the oversight thereof: notwthstanding the form^{r} article of keeping so many men alwayes upon the said iland, yet when yo^{r} see y^{e} coast to bee clear of any danger, yo^{u} may have liberty to man out yo^{r} boate for the necessary occasion of the iland, so as they stay away no longer then the necessary occasions shall require, except hindered by tempest. 1643–4. 7 March.

Yo^{u} are not to deliver up any of the men of yo^{r} garrison, but onely upon warrant from the Co^{r}t, or the Co^{r}t of Assistants, or the Governo^{r}, or, in his absence, the Deputy & two Assistants, so that the townes, before such be sent for, send oth^{r}s in their roome.

This comission to bee of force till the end of the next Gen^{r}all Co^{r}t, & no longer, except confirmed by this Co^{r}t.

John Saund^{r}s his fine is abated to forty shillings, wherof 8sh^{s} to the witnesses, so as hee send it in by the next Gen^{r}all Co^{r}t.

The comission above, wth the alterations, was confirmed the 5th m̊, 1645, to Capt Rich: Davenport.

Lastly, for further direction & explanation of his comission, hee is refered to y^{e} answ^{r}s to his 17 questions ꝑpounded to y^{s} Co^{r}t.

Held at Boston, 5th m̊, 1645. See after, nomb 589.

To Rich^{r}d Davenport, Capt of the Fort of the Massachusets, at Castle Iland.

Yo^{u} are hereby authorished, & full power is given to yo^{u} at any time, to require of John Johnson, survey^{r} gen^{r}all of y^{e} countryes armes & amunition, all such armes & amunition as is alowed to yo^{u} & y^{e} garrison und^{r} yo^{r} comaund, viz^{t}: for every souldier one sufficient musket, sword, rest, & p^{r} of bandilers, wth 2 fathome of match for each musket; & for store for yo^{r} garrison one barrell of powd^{r}, 200 weight of musket shott, 60 fathome of match; besides for ev^{r}y 4 peeces of ordinance now in yo^{r} custody, or shall hereafter by ord^{r} of this Co^{r}t be sent to yo^{u}, one barrell of powder, 20 great shot, & 10ll of match. A coppye of this order, by yo^{u} signed, shalbe a suffitient discharge to y^{e} said John Johnson for his deliv^{r}y of any such ꝑmises to yo^{u}, yo^{u} takeing care thereof, & giveing account therfore, acco^{r}ding to the Co^{r}t order. Instructions.

**The 29th of the 3th M^{o}, @ 1644. At a Gen^{r}all Co^{r}t of Election at Boston.* 1644. 29 May. [*51.]

P^{R}SENT, The Gov^{r}no^{r},
The Deputy Go:,
M^{r} Dudly,
M^{r} Bellingham,
M^{r} Saltonstall,
M^{r} Winthrope, Iu:,

1644.

29 May.

Mr Bradstreete,
Incr: Nowell,
Mr Flint,
Mr Hibbens,
Mr Symonds;

Deputies ꝑsent.

Mr Willi: Hathorne,
Mr Ema: Downing,
Maior Ro: Sedgwick,
Leif: Ra: Sprage,
Mr Jno Glover,
Leif: Natha: Duncan,
Mr Wm Tyng, Treas:,
Ca: Thom: Hawkins,
Mr Hugh Prichard,
Willi: Parks,
Mr Tho: Mayhewe,
Leif: Hugh Mason,
Ca: Ro: Bridges,
Mr Edwd Tomlins,
Ca: Geo: Cooke,
Mr Na: Sparhauke,
Mr Wm Hubberd,
Joseph Meadcalfe,
Edwd Rawson,
Wm Tory,
Lei: Wm Perkins,
Bozoon Allen,
John Porter,
Thom: Brooke,
Franc̃ Chickring,
Wm Haward,
Wm Estowe,
Mr Rich: Dum̃er,
Mr Sam: Dudley,
Mr Edwd Carlton,
Mathewe Boyse,
Ste: Kingsly,
Thom: Mekins,
Willi: Ward,
Willi: Hilton,
Mr Ste: Winthrope,
Mr Willi: Stevens,
Leif: Edwd Johnson,
Joseph Bachiler.

JOHN ENDECOT, Esq̃, was chosen Govrnor, & tooke his oath to yt place.

John Winthrope, Esq̃, was chosen Deputy Govr, & tooke his oath.

Thom: Dudly, Esq̃, was chosen an Assistant, & tooke his oath.

Richrd Bellingham, Esq̃, was chosen an Assistant, & tooke his oath.

Richrd Saltonstall, Esq̃, was chosen an Assistant, & tooke his oath.

Mr John Winthrope, Iuni., was chosen an Assistant, & tooke his oath.

Mr Symon Bradstreete was chosen an Assistant, & tooke his oath.

Increase Nowell was chosen an Assistant, & tooke his oath.

Mr Israell Stoughton was chosen an Assistant.

Mr Thom: Flint was chosen an Assistant, & tooke his oath to yt place.

Mr Willi: Hibbens was chosen an Assistant, & tooke his oath.

Mr Samuell Symonds was chosen an Assistant, & tooke his oath.

Mr Willi: Pinchen was chosen an Assistant.

Thomas Dudly, Esq̃, was chosen Sergeant Maior Genrall.

Increase Nowell was chosen Secretary for this yeare.

Mr Willi: Tyng was chosen Treasurer for this yeare.

It is ordred that Mr David Yale, agent to Mr Foxcroft, shall bring into

this Co^rt a true inventory of what estate he hath in his hands (or that he knows to be in y^e hands of any other in this colony of the said M^r Foxcrofts) w^thin six dayes ensuing, in case y^e said Yale refuse to give M^r Seawall satisfaction & content for a debt upon w^ch he hath an execution granted him against the goods & chattells of the said M^r Foxcroft. 1644. 29 May.

M^r John Gore is granted leave to set his serv^t, Thom: Reeves, free. 573–

Upon the petition of Edw^d Browne, survey^r of the armes at Ipswich, —

It is ordered, that all inhabitants, as well seamen as oth^rs, are to have armes in their houses alwayes ready fixt for service.

In consideration of the great default & neglect of the inhabitants of Marble Head, in not exercising themselues in martiall discipline, —

It is ordered, that the inhabitants of Marble Head shall make choyce of some one of them, who shall ex^rcise the rest, that they may not be to seeke when speciall occations call for their assistance.

It is ord^red, that M^r Wheelright (upon a p̃ticuler, solemne, & serious acknowledgm^t & confession by letters of his evill carriages, & of y^e Co^rts iustice upon him for them) hath his banishm^t taken of, & is received in as a member of the co^mon wealth.

It is ord^red, that the Deputy Gov^r, M^r Winthrope, (o^r late Gov^rno^r,) should be alowed one hund^red pounds for his last years service.

It is ord^red, (at the request of the towne of Glocester,) that George Norton (as their eldest sergent) shall ex^rcise their millitary company.

It is ordered, (at the request of the freem̃ of Glocester,) that Thomas Smyth (in the roome of M^r Stevens) shalbe one of the three men of the towne to end small controversies.

It is ord^red, that it shall & may be lawfull for the deputies of the Co^rt to advise w^th their eld^rs & freemen, & take into serious consideration wheth^r God do not expect that all the inhabitants of this plantation alowe to their ma^trats, & all other y^t are called to country service, a p̃portionable alowance, answerable to their places & implim^ts, & all other that are called to country service, & (if so) upon what grounds, & that they send in their determinations & conclusions the next Gen^rall Co^rt.

M^r Bellingham, M^r Saltonstall, & M^r Symonds are appointed a co^mittē, & have full power to heare & determine all businesses at Hampton, both about their differences, offences, & a new plantation, according to their sev^rall petitions.

M^r Blackleach his petition about the Mores was consented to, to be co^mitted to the eld^rs, to enforme us of the mind of God herein, & then further to consider it.

*Whereas it appeares to this Co^rt that some of the inhabitants of Excet- [*52.]

1644. 29 May. ter do intend shortly to gather a church, & call Mr Bachiler to be their minister, & forasmuch as the divisions & contentions wch are amonge the inhabitants there are iudged by this Cort to bee such as for the ꝑsent they cannot comfortably & wth apꝑbation ꝓceed in so weighty & sacred affaires, it is therefore ordered, that direction shalbe fourthwth sent to the said inhabitants to deferr the gathering of any church, or other such ꝓceeding, untill this Cort or the Cort at Ipswich (upon further satisfaction of their reconciliation & fitnes) shall give alowance thereunto.

The 20th of the 8th m̃, 1640.

It is agreed by us whose names are hereunderwritten, that the line betwixt the capt̃ medowe & the corner bound at the marked tree shalbee divided into three parts, wherof the capt̃ is to have one third & three pole, as also at the other side of the plaine from the head line to the medows shalbe so divided, & from thence upon a straight line one mile, the village bounds upon Charlstowne head line.

ROBRT SEDGWICK,
ABRAHAM PALMER,
EDWD CONVERSE,
RICHRD SADLER,
RICHRD WALKER,
THOM: MARSHALL.

By ye commissionrs it is yelded to Plimoth.

Whereas, in Genrall Cort, 2 (4) 41, upon the tendr & request of certeine men now inhabitants of Seacunck, it is ordred as followeth, vizt: that Seacunck, neer New Providence, shalbe accepted under or government, if it fall not in Plimoth patent; & wheras wee undrstand that now they addres themselues to Plimoth iurisdiction, by reason of their claime (although nothing have appeared to ꝓve their right by patent, wch wee were so tender of) & an apꝓhended neglect of the place by us, —

It is now ordered, & hereby declared, that this Cort doth esteem & repute Seacunck plantation in this iurisdiction, & that the inhabitants thereof are subiects to this goverm̃t; ꝓvided, if or freinds at Plimoth or the inhabitants of Seacunck shall doubt of the equity hereof, we shalbe content to refer the resolution of the question to the comissionrs for the United Colonies.

It is ordered, that Mr Downing, Mr Hathorne, & Capt̃ Bridges shalbe associats for Salem Cort, & Mr Dumer & Mr Hubberd shalbe associats for Ipswich Cort.

It is ordered, that the comission for the comaunders of the Castle shall stand in force till the next session of this Cort.

The Forme of the Comission to be granted to the Comissionrs for the United Colonies.

1644.

29 May.

Forme of com̄ issō for the Unit Colon̄

At a Genrall Cort, houlden̄ at Boston, for ye iurisdiction of the Massachusets, the 29th of the 3th m̊, 1644, Mr Symon Bradstreete & Mr William Hathorne were chosen comissionrs for this colony, for a full & compleate year, as any occasions or exigents may require, & p̃ticulerly for the next meeting at Hartford the first 5th day of the 7th m̊, & were invested wth full power & authority to treat of & conclude of all things, according to the true tenor & meaning of the articles of confedration of the United Colonies of New England, concluded at Boston the 19th of the 3th m̊, 1643; & in case either of them bee hindered in this busines, either by sicknes or any other (the like) ꝑvidence, that then Mr Saltonstall may supply Mr Bradstreets place, & Mr Tynge, Treasurer, may supply Mr Hathornes place.

It is ordered, that for the better building of shiping wthin this iurisdiction, & for the avoyding of many inconveniences wch now both owners & buildrs are subiect unto, there be a company of that trade, according to the mannr of other *places, wth power to regulate building of ships, & to make such orders & lawes amongst themselues as may conduce to the publike good, if any shall appear the next Cort, & ꝑsent lawes for considration. [*53.]

[For those made free 29 May, 1644, see the list at the end of this volume.]

575– Whereas the civill warrs & dissentions in or native country, through the seditious words & carriages of many evill affected ꝑsons, cause divisions in many places of govrnm̃nt in America, some ꝑfessing themselues for the king, & othrs for the Parliament, not considring that the Parliament themselues ꝑfesse that they stand for the king & Parliament against the malignant Papists & delinquents in that kingdome, it is therefore ordered, that what ꝑson ſoever shall, by word, writing, or action, endeavor to disturbe or peace, directly or indirectly, by drawing a party, under ꝓtence that he is for the King of England, & such as adioyne wth him, against the Parliament, shalbe accounted as an offender of an high nature against this com̄on wealth, & to be ꝓceeded wth, either capitally or otherwise, according to the quality & degree of his offence; ꝑvided alwayes, that this shall not be extended against any marchant, strangrs, & shipmen that come hither meerly for matter of trade and marchandize, albeit they should come from any of those p̃ts that are in the hands of the king, & such as adhere to them against the Parliamt, carriing themselues here quietly, & free from raising or nurishing any faction, mutiny, or sedition amongst us, as aforesaid.

1644. 29 May. It is ordered, that the councell shall direct their warrants (for payments for the country) onely to the Treasurer for the time being, & that the Treasurer onely make or appoint the payment thereof.

It is ordered, that the Treasurer for the time being shall make enquiry of whatever estate doth belong to the country, & to require the same of such pson or psons as he shall find possest therewth, or any part thereof, & to make those who are possest of any of the countryes cattle, debtors for them, according to the tearmes they claime them of at ꝑsent, or otherwise to dispose of them, wth the counsell or advice of M^{r} Glover & M^{r} Prichet, or one of them, as in their iudgments they thinke best for the countryes advantage, that at all times on his account we may the better find how it stands wth all the country estate, & that he may the better satisfy what we are indebted.

It is ordered, that Thomas Dexter shalbe forborne sixe or eight pound till the next session of this Co^{r}t, ꝓvided that this may not dammify the country (by what may fall out upon the estate of the petition^{r} in the meane time) of any due debt from the said petitioner.

It is ordered, that the towne of Roxberry shall have twenty sacre shot deliv^{r}ed them by the surveyor of the armes, for their 2 great guns, of w^{ch} M^{r} Prichet tooke charge.

It is ordered, that the towne of Dorchester shall have fourtye shot deliv^{r}ed them by the surveyar of the armes for their three great guns, of w^{ch} M^{r} Duncan tooke charge.

It is ord^{r}ed, that the towne of Linn shall have thirty sacre shot deliv^{r}ed them by the surveyar of the armes for their t ^ great guns, of w^{ch} Capt̃ Bridges tooke charge.

[*54] It is ord^{r}ed, M^{r} Willi: Hathorne, of Salem, shall be released *from the ordinary trainings of eight times a year under Capt̃ Traske, in regard of many country occasions in w^{ch} hee is implied, & if at any time he hath bene absent fro^{m} those trainings heretofore, that he shalbe cleared from the same; ꝓvided, if there be any millitary company in the countye of Essex, that hee shall ioyne himselfe wth them.

It is ordered, that M^{r} Franc̃ Williams, M^{r} ^ Funnell, & Willi: Sherbone shall end small causes at Strawberry Banck.

M^{r} Dunsters petition for the 400^{l}, & other gifts fro^{m} England, is deferd in regard the country stock is disperst into sev^{r}all mens hands, that there can be no determinate nor direct answer given till the next session of this Co^{r}t, when the comittē shall have made returne.

573– Comiss^{er} charges. It is ordered, that the comission^{r}s now appointed for this iurisdiction, & such as shalbe so appointed fro^{m} time to time, for to meete wth the comis-

sion^rs of the United Colonies, shall have their charges, w^th two men & four horses, during that service, alowed them out of the treasury. 1644.

29 May.

It was ordered, that the 3^th day of the 5^th m̃ should be kept a day of publike humiliation in all the churches in o^r iurisdiction, in regard of o^r native country, the sicknes, drought, & other dangers to o^rselues.

It is ordered, the printer shall have leave to print the election sermon, w^th M^r Mathers consent, & the artillery sermon, w^th M^r Nortons consent.

Willi: Francklin is referd to the ma^trats; if they see cause, hee may have a second triall for his life the next Quarter Co^rt.

It is ordered, that the Co^rt shalbe adiourned untill the last 4^th day of the next 8^th m̃; p̃vided, that if occasion shall require, the Gov^rno^r (or in his sicknes, death, or being surprized by an enemy, the Deputy Gov^rno^r) may have power to sum̃on a meeting of this Co^rt before the day limited.

Upon M^r Fogs petition, it was granted, that what shalbe wanting in the fees (for his supply) may be made up by the fines raised in Salem Co^rt, as in their discretion they shall see meete.

Upon the petition of M^r John Winthrope, Iunior, exhibited to this Co^rt, for leave to make a plantation at or near Pequott, it is ordered, that the said p̃tition is granted, & that the petition^r shall have liberty to make a plantation in the said Pequott country, w^th such others as shall p̃sent themselues to ioyne in the said plantation, & they shall enioy such liberties as are necessary, & other farr remote plantations do enioy, & also to lay out a convenient place for iron works, p̃vided, that a convenient number of fit p̃sons to carry on the said plantation do appear to p̃secute the same w^thin three yeares. Dated the 28^th of the 4^th m̃, 1644. Pequod plant.

By order of the last Gen^rall Co^rt, wee, und^rwritten, were appointed to heare & examine the case concerning a certeine quantity of land in question, between the towne of Dover, one the oñ side, & the inhabitants of Strawberry Banke. Dover & Strawberry Bank controv^rsie.

In w^ch case, haveing spent much time, & given a free & full hearing to the parties aforesaid, wee find as followeth: —

First, that the inhabitants of Strawberry Banke do affirme they cannot make a towne w^thout the land in question; also, on the other side, it is affirmed by the church & towne of Dover that they cannot continue & subsist, as a churche or towne, w^thout the land in question; so that this argum^t, taken from the necessity of haveing & enioying the land *in question, lieth equall & in com̃on to them both: under this head many things were pleaded w^ch wee cannot ground on, unlesse we had veiwed the bounds belonging both to Straweberry Banke & Dover. Secondly, we find it is the earnest desire of 1. [*55.] 2.

1644. the inhabitants setled upon the land in question, that they may bélong to
29 May. Dover; in w^ch desire of the inhabitants aforesaid there are two things considerable: 1st, that their accesse to the ordinances at Dover is much more easy & convenient then at the other place. 2^ly, that many of the inhabitants afore-
3. said are now members of the church at Dover. Thirdly, we find that the land in question hath bene a long time planted & possessed by Dover, w^thout any interruption or opposition made against them, excepting onely what was done by Capt Neale, whose ꝓceedings therein were illegall & iniurious, as is affirmed by Capt Wiggens.

4. Fourthly, the inhabitants of Dover do pleade that the land in question ought not to be taken fro^m them by the Generall Co^rt, being theirs by purchase of the Indians & possession as aforesaid, & because, in the articles of their submission to this governm^t, (they say,) their right in this & other cases is exꝑsly reserved.

RICH: BELLINGHAM,
RICH: SALTONSTALL.

12^th 4^th m, 1644.

It was ordered, that this returne of the comissio^rs be entered, & that the land in question between Dover & Strawberry Banke be layd to Dover.

The Co^rt, taking into consideration the ꝑsent condition of Pumhome & Sacanonocho, & their freinds that are ioyned to them, & their men that belong unto them, of what dangerous consequence it might be unto us if we should altogether neglect them, & leave them to the cruelty & bluddymindednes of the Naragansets, these two sachims haveing sent unto us for ayde, if we faile them we breake o^r covenant w^th them, wherby the name of God will suffer, & religion wilbe evill spoken of, & the whole nation wilbe odious in their sight; besides, it will ꝓbably cause not onely them, but all the rest of the Indians that have put themselves under o^r iurisdiction, & consequently ꝓtection, to fly of fro^m us, & to fall to o^r enemies, & set themselues against us. The Co^rt therefore doth desire, that there may be fourthw^th ten English men, well armed, sent unto them, according to the sachims request, & that they may there build the Indians a strong house of pallizado, & be a guard unto them for such a season as shalbe agreed of, the Indians finding them victualls, w^ch they have ꝓmised to do.

576– It was agreed, that the order that gives power to two of the cheife offic^rs of every traine band to punish the delinquents of such companies, & that that part of the order thereunto annext, (concerning the watching of fishermen, &c,) may stand in force till the Co^rt take further order.

It was ordered, that the surveyor of the armes shall deliver to the depu-

ties of Newberry two snaphance muskets, insteed of those wee had of them, & not of lesse valewe. 1644.

29 May.

It was ordered, that Leiftenant Duncan & Mr Mayhew should be a comittē to take the Treasurers accounts, & *that Mr Treasurer be ioyned wth them to take all other accounts from such as are accountable to the country, & to make returne thereof to this Cort at the next sessions, appointed to be the next 8th m̊. [*56.]

It is ordered, that the Cort at Salem shalbe adiourned to the 9th of the 5th m̊ next.

Richrd Waterman being found erronious, hereticall, & obstinate, it was agreed, that he should be detained prisoner till the Quarter Cort in the 7th m̊, unlesse five of the matrats do find cause to send him away; wch if they do, it is ordered, that he shall not return wthin this iurisdiction, upon paine of death.

Passaconnaway & his sonnes offering & desireing to come under this government, according to such articles as Cutshamache & others have formerly bene accepted, they were accepted, & he & one of his sonnes subscribed the articles, & he undertooke for the other. Passaconway subjection.

Upon Zacheus Goulds petition, it is conceived to be for the genrall good, & very convenient, there should be a village about that farme, & that the towne of Ipswich should further them therein. Village Ipswch.

It is ordered, that Linn village, at the request of the inhabitants thereof, shalbe called Redding. Redding.

It is ordered, that the 100li p @ formerly granted toward the maintenance of fortification at Castle Iland may begin so soone as they have a comander & garrison there, & to be paid every sixe months, if they shall finish the worke, & continue the garrison there, according to a former order. Castle Isle 100li p.

It is ordered, that or Govrnor should have 20li spedily paid him, in p̃t of that sume the country intends to alowe him for this his years service ensuing.

It is ordered, that Mr Richrd Dumer, James Browne, & Henry Short shall end small controversies at Newberry.

Mr Samu: Dudley, Robrt Pike, & John Saundrs have power to end small causes at Salsberry.

Capt̃ Robrt Bridges, Ensigne Tomlins, & Nicho: Browne to end small causes at Linn.

Mr Willi: Perkins, Willi: Tory, & John Upham have power to end small causes at Waymoth.

It is ordered, that the genrall surveyer of armes hath hereby power given him & is appointed to gather into his hands, between this & the next Genrall Cort, all the countries armes & amunition wthin all the townes from 577–

1644. 29 May. the southward unto Linn that are w^th^in this iurisdiction, & to sue & recover the same fro^m^ those that shall refuse to deliver them into his hands, & is alowed for his paines twenty nobles; & that the clarks of the sev^r^all bands or companies of Linn & northwards shall take into their hands the countries armes in their companies by law, or otherwise, as above said, by the next Gen^r^all Co^r^t; & the surveyers of the traine bands are hereby required to take an oath suteable to their places; & what clarke or surveyer of arms soev^r^ shall refuse to take his oath for the faithfull & diligent execution of his place [*57.] shalbe fined 40sh^s^; *& that he have for his paines the third part of the fines for neglect of training, & defect of armes and amunition.

Hull. It is ordered, that Nantascot shall be called Hull.

Bibble is alowed to keepe a house of comon entertainment at Hull.

Thom: Dyer hath liberty to keepe an ordinary, & sell wine, at Waymoth.

Piscataqua. It is ordered, that one Co^r^t shalbe kept at Pascataque in the year now ensuing, & that M^r^ Bellingham, M^r^ Saltonstall, & M^r^ Symonds, or any two of them, are specially appointed thereto, (not excluding any other of the ma^trats^ that may & will attend the same;) that Co^r^t to be kept at such time & place as the said ma^trats^, or some of them, shall appoint.

It is ordered, that the Deputy Gov^r^no^r^, M^r^ Dudley, M^r^ Hibbens, & M^r^ Nowell, togeth^r^ w^th^ the Treasurer, Maior Gibons, Maior Sedgwick, & M^r^ Hugh Prichard, or any five of them, shall have power to send the ten men to the two sachims, Pumhome & Sacanonocho, & to agree w^th^ them upon the best tearmes they can for the benefit of the country; & if they see iust cause not to send any, then to use their best skill to ꝑvide for them by writing, or any other way they shall see good.

Whereas there is yet no comaunder appointed for the Castle,—

Castle I. It is ordered, that if the townes in the Bay agree w^th^ M^r^ Coitemore for taking charge of the Castle, he shalbe accepted as capt thereof during the tearme they agree w^th^ him for, he fro^m^ time to time obs^r^ving such comissions as shalbe tendered to him by the Gen^r^all Co^r^t, or power by them ordered; & in case they cannot agree w^th^ him, then that they take care the place be supplied by some other able man till the next cession of this Co^r^t, & then make their tender of such as they shall conceive meetest to take the charge for the future.

M^r^ W It is ordered, that 103^ł^, w^ch^ the Deputy Gov^r^no^r^ acknowledged he had rec^d^ of the Treasurer, shalbe alowed to M^r^ Tyng, the Treasurer.

Eliz: Cole. M^rs^ Elisa: Cole is alowed a bill of reveiw in the action brought by Franc̃ Doughtye ag^t^ W^m^ Cole, lately deceased, wherby her deede that was cancelled may be made good, as before the cancelling thereof.

The petition of Mr Natha: Norcrosse, Robt Childe, Stephen Day, John Fisher, &c, for a plantation at Nashawake, is granted; ꝑvided, that there shall not be more land allotted to the towne or ꝑticular men (notwthstanding their purchase of land of the Indians) then the Genrall Cort shall alowe. 1644. 29 May.

It is ordered, that Mr Seawall shall take his debt in those planks & pipe-staves as are of Mr Foxcrofts, at Salem & Linn, so far as they will returne to account, being prized by three men, according to *lawe, & to be directed that in their appraisment they so valewe them as in their best iudgmts they will at ꝑsent veald, in the places where they lye, in corne, cattle, or beaver; & if they shall undrprize them, in the iudgmt of Mr Foxcrofts agents, they shall have the liberty of two dayes to make him other good pay; & what shall be wanting of Mr Seawells debt to be paid out of the best of Mr Foxcrofts estate; & Mr Yale shall bring in an inventory thereof, according to order, wthin seaven dayes after the appraismt, unto two mattrats by oath. [*58.]

The fine of Salsberry (for that they did want a watch house, wch being now made very good) is remitted.

It is conceived fit the order established about salt peeter should be observed by Salsberry.

Hampton is remitted their fine of 20shs, they being to ꝑpare their salt peeter houses for time to come.

Willi: English is alowed, in the place roome of James Davies, to assist in ending small causes at Hampton.

A Coppey of the Partition Agrement made between Wooborne & Linn Village, now called Redding.

We, being appointed by the Cort to settle the bounds between Wooborn & Linn village, (called Redding,) have agreed, that the line of partition between them shall begin at the little brooke in Parly meddowe, where it begiñeth to turne upward toward the north east, & so to abbut upon Charlston head line, & to run north & by west into the country; the point being taken from the needle, wthout alowance for the variation, unto wch agreement we have set or hands this 23th 3th m̃, 1644. Wooborne & Reddinge.

GEORGE COOKE,
JOHN OLIVER.

It is conceived that Mr Foots agent may attach Mr Foxcrofts estate in his agents hands, & ꝓceed to iudgmt; & upon execution, if Mr Foxcrofts agents shall not make full satisfaction, then to declare upon oath what estate they had in their hands when the attachment was served, wch upon serious debate is iudged most equall.

1644. It is ordered, that Willi: Wilson shall be alowed ten pounds toward the building w^ch^ is in hand, by the prison.

29 May. It is ordered, that M^r^ Edmond Batter shalbe abated 40sh^s^ of the 5^t^ w^ch^ he was to pay for the girle w^ch^ hee tooke.

300 acres l^d^ out to M^r^ Mahew. It being conceived, on certificate of the inhabitants of Nashx & some of Sudbury, appointed by the Co^r^t, that it will not preiudice either of the plantations, (or be a hindrance to any other plantation,) it is consented that M^r^ Mayhewe should have his request; and M^r^ Peter Noyse & Edmond Goodiner are appointed to lay out the said 300 acres of land.

It is ordered, that the last umperage shalbe granted to Joseph Armitage, w^ch^ was by M^r^ Downing & M^r^ Hathorne.

[*59.] It being conceived not to be to the advantage of Adam Otely to have his petition granted him, *but rather to stand to what hath bene formerly awarded to him by comission^r^s.

It is conceived meete, that Jonathan Thing shall continue his time w^th^ Henry Ambros, giving security to Samuel Greenfeild for the 20^t^, to be paid by 4^t^ a year, after his time expired w^th^ his new master, if he shall live so long as to make yearly payment thereof.

The comission^r^s are desired to bring into the Co^r^t how they have issued the difference between S^r^ Rich^r^d Saltonstall & the towne of Watertowne.

M^r^ Rob^r^t Saltonstall is fined 5sh^s^ for ꝑsenting his petition in so small & bad a peece of paper.

It is ordered, that the ryver at Shawshin shalbe called by the name of Shawshin Ryver, not onely belowe, but also above the riveret, w^ch^ falls into the said ryver in Wooborne bounds, above halfe a mile from Cambridge line.

Wee conceive that whatsoever Edward Michelson can make to appear upon good account, w^ch^ hath not bene formerly reckened for, he shall have that sume abated out of the 40^t^, & that then the marshall pay the rest.

We conceive that there should as much land be granted to Thom: Venn as may answer the sume of mony that hath bene by his father, M^r^ John Venn, put into the country stock, (that is,) so farr fourth as others have, when he sheweth power from his father to receive the same.

The Comission of the Sergent Maior Gen^r^all. By the Gen^r^all Co^r^t, assembled at Boston, the 29^th^ 3^th^ m̃, 1644.

577– To Thomas Dudley, Esq^r^, sergeant maior gen^r^all: Whereas yo^u^ are chosen sergeant maior gen^r^all of all the millitary forces in this iurisdiction, yo^u^ are, according to the trust comitted to yo^u^, & by vertue of this comission, to take spetiall care that all yo^r^ inferio^r^ offic^r^s do (according to the power & trust

comitted to them) faithfully & diligently discharge their severall places by exercising their souldiers in millitary discipline, according to the orders of the Generall Co^rt, that so they may be made expert & fit for such services as by the ꝑvidence of God they shalbe called unto; & for the furthering thereof yo^u may, w^th the assent of the councell of the comō^n wealth, or the maior part of them, yssue fourth yo^r warrants for a gen^rall training, of any one, or two at the most, at one time & place, of the regiments of this iurisdiction, to be exercised by yo^rself & yo^r inferior offic^rs in a millitary way; & upon any suddaine occasion, or appearance to yo^rselfe of any danger, that may call for a millitary watch, before the councell of the comon wealth do assemble to appoint the same, yo^u are fourthw^th to give order *for it in all places yo^u shall iudge needfull, & in case of any approach or assault of an enemy, forreine or domestick, or apparent danger thereof, though yo^u have as yet received no ꝑticuler order from the Gen^rall Court, or councell of the comon wealth, yo^u are fourthwith to raise such forces, in any or all the severall regiments, as yo^u shall iudge necessary for the ꝑsent service & safety of the country, w^ch are to be implied (till the councell of the common wealth do meete & give direction) according to the advice of the councell of warr, who are alwayes to consist of such s^rgeant maiors & capt̃ as shalbe in the field w^th yo^u, togeather w^th some other fewe select ꝑsons, that yo^rselfe & said councell shall make choyce of, if yo^u see cause so to do, (unlesse the Gen^rall Co^rt, or councell of the common wealth, shall appoint the same,) in w^ch councell of warr yo^rselfe shall alwayes have a casting voyce; w^ch aforesaid forces so raised, together w^th such further supply as the Gen^rall Co^rt, or councell of the comon wealth, shall from time to time see cause to comitt unto yo^u, yo^u shall commaund, conduct, & leade, according to yo^r best skill & ability for the securing of the whole, & killing, & destroying, or taking captive all or any of yo^r ꝑfessed enemies, that by open hostility shall manifest themselues so to be, & pursuing them out of o^r iurisdiction, if yo^u & the councell of warr shall iudge it to bee meete.

1644. 29 May. [*60.]

Yo^u have also hereby power granted yo^u, in all places where yo^u come, to presse great ordinance, muskets, pikes, powder, shott, match, bullets, spades, shovels, pikaxes, wheelbarrows, & all other instrum^ts fit for warr, & also pinnaces, boats, or other vessells, horses, oxen, carriages, men to mannage them, & all things belonging thereunto, to supply the ꝑsent & urgent necessity of the army, as also victualls & ꝑvision for man & beast, keeping an exact account thereof, & giveing a ticket by an officer to such of whom yo^u shall receive the same, that so due payment & satisfaction may be seasonably made; & when the army is on foote, yo^rselfe, together w^th the councell of warr, are

1644. to appoint capt̃, leift̃, & ensignes in the roome of any such as may be slaine, dye, be wanting, or otherwise removed upon due desert.

29 May.

And further, yo^{u} have hereby power given yo^{u}, & are required, so soone as the army is on foote, to call together yo^{r} councell of warr, w^{ch} shall not consist of fewer then eight, yo^{r}selfe to be one, who, being met together, shall have power to consult & determine, by the maior vote, w^{ch} way wilbe most

[*61.] safe & advantageous for the carriing on of the maine designe for w^{ch} *the said forces were raised, the determination of which councell yo^{u} shall not faile to observe in all points w^{ch} ꝑply belong to the councell of warr to direct in; but for the ordering & managing of any battaile in time of service it is wholly left to yo^{r}selfe.

Also yo^{r}selfe, togeather wth the councell of warr, shall have power to make such wholsome lawes, agreable to the word of God, as yo^{u} shall conceive to be necessary for the well ordering of yo^{r} army, untill the Gen^{r}all Co^{r}t shall ꝑvide for the same, w^{ch} being sufficiently published, yo^{u}, wth the said councell, have power to put in execution, be it to the takeing away of life, or otherwise; & furth^{r}, yo^{u} shall, asmuch as in yo^{u} lies, labour to ꝑvent & supprese all mutinies in yo^{r} army; & in case any do arise, or any other offence be com̄itted, wheth^{r} by officers or com̄on souldiers, yo^{r}selfe & councell of warr, upon due conviction of such offenders by sufficient testimony, shall have full power to sensure & punish, according to their demerits, to w^{ch} end power is hereby given to the said councell to examine witnesses upon oath.

Provided alwayes, that the said councell & yo^{r}selfe be carefull to observe the orders, instructions, messages, & directions w^{ch} already are, or from time to time shalbe, directed to yo^{u} fro^{m} the Gen^{r}all Co^{r}t in the time of its being, & at all other times from the councell of the com̄on wealth; and this yo^{r} commission to stand in force till the next Co^{r}t of Elections. In full confirmation of all the ꝑmises, wee have caused the com̄on seale of this colony to be hereunto affixed. Dated the day & year above written.

The Co^{r}t is adiourned, as before, to the 30th of 8th.

30 October.

At a Session begining the 30th of the 8th M^{o}, 1644.

It is ord^{r}ed, y^{t} y^{e} 46^{t} 16sh^{s} 8^{d} in y^{e} hands of M^{r} Prichard belonging to the countrys stock shalbe conv^{r}ted into such com̄odity as may be vendable in England by the said M^{r} Prichard & Leift̃ Duncan, & by them deliv^{r}ed into y^{e} hands of M^{r} Willi: Tynge, who is desired & intrusted by this Co^{r}t to buy powder & leade for the use & benefit of the colony, wth so much of y^{e} mony as shalbee by them deliv^{r}ed to him.

John Gurny his byl for 3. 16. 4^{d}, & Tho: Lake his note for 1. 3. 8^{d}, are accepted for 5^{t} frō M^{r} Ginn^{r}. 1644.

It is ordered, y^{t} the two form^{r} ord^{r}s made by this Co^{r}t, the one of the 3th 4th m̊, 1635, the oth^{r} of the 12th first m̊, 1637, conc^{r}ning weights & measures, shall still remaine in force, & from year to year shalbe put in execution by the marshall, & that wthin one month next ensuing hee is required to put the said ord^{r}s in execution for this p̄sent year. 30 October. 5^{li}, M^{r} Ginn^{r}. 578–

9 M^{o}, 12. 12 November.

M^{r} Thom: Bredcake was granted a warrant to receive two small guns frō Winter Iland by Salem. M^{r} Willi: Tyng, Capt̃ Rob^{r}t Keayne, & John Milam are security for the redeliv^{r}y of them there, or the valewe of them, by midsom̄er next.

M^{r} Thomas Fowle is granted the 2 small guns, p̄vided hee give security to returne them by midsom̄er next.

Roger Elce & Jane Lishan are p̄mitted to marry, though not thrice published, upon a certificate fro^{m} Yarmoth shewed to × ×

*It is ordered, that M^{r} Samuell Dudley, M^{r} Carlton, & M^{r} John Saunders of Salsberry shalbe com̄ission^{r}s to here & examine all matters concerning M^{r} Bachiler & Hampton; & they have power to examine witnesses upon oath, wherby they may returne the truth of the case to the next Gen^{r}all Co^{r}t of Election. [*62.]

It is ordered, that Capt̃ Hawkins shall have a com̄ission granted him to take any ship that shall assault him, or any other that hee shall have certeine knowledge to have taken eith^{r} ship or ships of *of* o^{r}s, or to take any ship that hath com̄ission to make prize of any of o^{r}s.

It is ordered, that M^{r} Clarke shall pay out of the countryes stock due fro^{m} M^{r} Stoughton to M^{r} Symon Bradstreete & M^{r} Willi: Hathorne 5^{t}, as p̄t of their charge expended in their voyage to Coñecticut.

The account of M^{r} William Tynge, the late Treasurer, haveing bene examined by Leift̃ Nathani: Duncan & M^{r} Thomas Mayhewe, is accepted.

It is ord^{r}ed, that Capt̃ George Rich^{r}dson should be alowed a tryall by way of action about the Dartmoth ship w^{ch} hee had, & was cast.

Whereas 12. 15^{s} was paid to div^{r}se of y^{e} Portingall ship (w^{ch} is now gone) for satisfaction of such mony & goods as were uniustly taken fro^{m} y^{m} by some of Capt̃ Smiths comp^{a}, who had warrant fro^{m} y^{e} magistrats to requir y^{e} said Portingall ship to give satisfaction for some wrongs they had done to y^{e} inhabitants of Hull & oth^{r}s, & w^{r}as y^{e} said Capt̃ Smith & his comp^{a}

1644. are now at sea, & ye said 12.15s hath bene pd by Mr Parris upon ye request of ye Deputy Govrnor, to ye end ye said Portingals might not depṭ undr sence of iust iniury, it is adiudged most meete yt ye mony be paid by those yt ha' undrtaken for Capt̃ Smith & his compa, it beg due frō ym.

12 November.

579– Attachments. No attachmt shalbe granted (in any civill action) to any fforryner agst a setled inhabitant in ys iurisdiction before hee hath given sufficient security or caution to ꝓsecute his action, and to answr ye defendt such costs as ye Cort shall award him.

579– In all attachmts of goods & chattels, or of lands & hereditamts, legall notice shalbe given to ye p̃ty, or left in writing at his house or place of usual abode; othrwise ye suite shall not ꝓceede: if hee be out of ys iurisdiction, ye cause shall ꝓceed to tryall, but iudgmt shall not be entered before ye next Cort; if ye defdt do not yn appear, iudgmt shalbe entered; but execution shall not be granted before ye plaintiffe hath given security to be responsall to ye defdt if hee shall revrse ye iudgmt wthin one yeare, or such further time as ye Cort shall limitt.

579– A iudgmt acknowledged before any two matrats & ye secretary or recorder shalbe good in law, & ye fee for taking & recording ye same shalbe onely 12d; if ye secretary or recorder be a matrate, one othr matrate may suffice.

Ordr abt Mrs Phillips secung 100 to her son & daughter in law. The Cort declareth, that they thinke it iust & meete yt Mrs Philips make ovr so much estate as shall secure 100t to Samuell & Elisabeth Philips, grand childrn of Richrd Sergent, or othrwise give band wth sureties [to] the content & satisfaction of Capt̃ Cooke, Mr Sparhauke, & John Bridge, who are intrusted in the busines by the Cort; this security to be given in a month.

Mr Bozoon Allen & Josua Hubberd are remited their fine of 20shs on their petition, their excuse being accepted.

The Cort did by their vote declare they iudg yt Sr Richrd Saltonstall hath true title to ye land yt hee shall ꝓve hee mowed 4 years together.

Glocester is granted 20t out of the next paymt of Mr Androws gift toward the erecting of a mill there.

It is ordered, yt Mr Willi: Rainsborow or his assignes shalbee paid 100t out of the countryes stock in the hands of Mr Edwd Tynge or Mr Israell Stoughton, wthout further delay, in answer to his petition.

John More & Edward Michelson are forgiven the 40t they owe the country, upon the grounds aleadged by them.

**The 13th of the 9th Mo, @ 1644.* 1644.

Answers to the last ꝑpositions sent unto us this Year by the Undertakers & Adventurers of the Iron Worke. 13 November. [*63.]

1. To the first proposition: The Cort doth hereby grant to the said undrtakrs, &c, that they shall have three yeares from the date hereof, for ye perfecting of their worke & furnishing of ye country wth all sorts of barr iron; ꝑvided, that it shalbe in ye liberty of ye planters, or any of ye inhabitants in ye iurisdiction, to become adventurers wth ye undrtakers, if wthin 12 months they shall, according to ye former ꝑportion, bring in their adventure of no lesse then 100t a ꝑson, wth alowance to ye adventurers, &c, for 1000t, already disbursed; ꝑvided, also, yt ye adventurers shall wth all expedition ꝑsecute ye work to good ꝑfection, aswell ye finery & forge as ye furnace, wch is already set up, yt so ye country may be furnished wth [all] sorts of barr yron for their use, undr ye rate of 20t ꝑ tunne.

2. The Cort doth hereby grant to ye undrtakrs, &c, for their furthr incurragmt, 3 miles square, wch is 12 miles in compas, of land not yet apꝑpriated to every such place, where they shall actually set up & ꝑfect any of the sixe works mentioned, & ye said land so granted shalbe to ym & their heires forever.

3. It is furthr granted by ys Cort, yt in all places of wasts, or land not apꝑpriated to any towne or ꝑson, ye undrtakrs, &c, shall have liberty to make use of all yron stone, or yron oare, or othr stuff for building, timber, clay, woode of all sorts, turfe, or any thing yt they shall find usefull for ym, & to make ponds, wayes, or water courses therein, as they shall see meete & usefull, for ye furtherance of their worke, & in ꝑpricties, liberty for high wayes & watr courses; & all ye inhabitants are very ready to give all othr accom̄odations it may be by composition, & not iniunction to weaken ꝑprieties.

4. It is granted by this Cort, yt ye undrtakrs & adventurers shall have all librties & im̄unities, both for ymselues & servants equal, wth any wthin ye iurisdiction, according to ye lawes & ordrs of ye same, & according to ye rights & liberties of ye churches. 5. It is also granted, yt ye undrtakers & adventurers in ye worke, togethr wth their agents & servants, shalbe free from all taxes, easmts, contributions, or othr publiq charges whatsoevr, so much of their stock, store, or goods as shalbe yrin implied, for ye tearme of 20 yeares yet to come.

6. It is desired, yt in all ye places wr an yron work is set up remote from church or congregation, unto wch they cannot conveniently come, the undrtakrs wilbe pleased to ꝑvide some good meanes whereby their fami[lies] may be instructed in ye knowledg of God.

1644. 13 November. 7. It is lastly ordred, yt such workmen, clarks, miners, foundrs, finners, & othr workmen, yt are constantly implied in ye worke, shalbe free from trainings & watchings.

Mr John Winthrope, Iunior, is granted ye hill at Tantousq, about 60 miles westward, in which the black leade is, and liberty to purchase some land there of the Indians.

Upon the petition of Gilbert Carpenter, it was put to vote, whethr they would have ye order reversed wch was made by ye Governor & councell, touching ye seisure of the Dartmoth ships.

It was voted not to be reversed.

[*64.] *It is ordered, that the comissionrs for laying out the roade way between Ipswich & Salem shall have power to alter the way layde out beneath Wenham towards the east, & to lay it through ye towne if they shall iudge it meete.

Ns attdance. It is ordered, that the sergeants shall have 18d p day alowed them.

580– It is ordered, that every vintner, or othr pson, yt hath licence to drawe wine within this iurisdiction, shall pay unto the officer or officrs appointed by ye Cort to receive it, 20s for evry butt of sack drawen, or begun to be drawen, by him, & so ꝑportionably for every greater or lesser vessell, & for every hogshead of French wines, or other wines, 5s, & so ꝑportionably for greater or lesser vessels; & it is further ordered, yt every such drawer of wine as aforesaid shall appear, once every quartr either at the Cort at Boston, or other Corts within this iurisdiction, there to take oath for the truth of what quantity of wine they have drawen, or is begun to be drawen, & accordingly there to pay in what is due to ye comon wealth in manner & forme aforesaid. And it is further ordered, that all such wines, whether in the hands of marchants or cowpers, that shalbe shifted into smaller caske, or cases, to be spent in the country, shall pay ꝑportionably to that wch is retailed, by such as are alowed to sell wine by retaile.

Countrys stocke. That, whereas wee find, by account, 63t 8s 9d in ye hands of Mr Edwd Tynge, & 248t in ye hands of Capt Stoughton, of ye countries stock, it is therfore ordered, yt ye surveyer of the armes shall have hereby full power to receive & to recover by law, or otherwise, ye said sumes of ye said parties in ye behalfe of ye country, & upon receipt of ye said monies shall pay out of it 100t to Mr Stephen Winthrope, for ye use of Mr Rainsborowe, & ye remainder of ye said sumes hee shall deliver to ye said Mr Winthrope, out of wch hee is ordered to pay to Mr Pocock, in England, 100t, (in case hee is not paid already,) & ye remainder, wch is 111t 8s 9d, ye said Mr Winthrope is ordered &

desired to return from England 1000ll weight of musket bullets, 1000ll weight in lead, & ye rest in powder. 1644.

13 November.

Mr Pilgrim, mr of ye Gillyflower, comeing to require fraite & wages, ye vote was defered upon divers weightye considerations.

*It is ordered, Maior Sedgwick may have 3 thousand of bread out of the cargo now in ye hands of the Cort, hee ingaging himselfe to pay bread againe, when called for, to content. [*65.]

Whether Watertowne have in their dividends wronged Sr Richard Saltonstall. Voted, it doth not appeare.

It is ordered, 50t shalbe given by the country toward a house for the capt̃ of the Castle, ꝑvided it be finished by ye first of ye 3th. Cast I.

Leift̃ Davenport is chosen capt̃ of the Castle, to begin the 2 of the first m̃, & then his pay to begin.

Ensigne Palmer is chosen clarke of the writs in Charxtowne, in the roome of Mr Hubberd.

Capt̃ John Bayly acknowledged a iudgmt for 8 months fraite & wages to Mr Pilgrim & his compa, & acknowledged the mr hath ꝑformed his covenant & voyage according to charter p̃tye.

It is ordered, that Goodm̃ Turner should be alowed 100t out of the childrens mony.

It is ordered, that Mr Ruck should have 40t assigned out of the childrens mony.

It is ordered, that the sergents should have 11½t assigned them out of the childrens mony.

It is ordered, that Goodman Fairbanks shall have his bill paid him out of the childrens mony.

Mr Russell is chosen to supply the Treasurers place to the next Cort of Electiõns.

Capt̃ Thomas Bredcake had commission granted him for a 12 m̃, to take any Turkish pirate.

It is ordered, that Salem should be ye sheire towne of Essex. Salem ye shire towne.

Mr Bradstreete, Mr Hathorne, Mr Winthrope, Iunior, Increase Nowell, Maior Sedgwick, Capt̃ Cooke, & Mr Duncan, these seaven, or any four of them, to meete & prepare busines about ye trade for the company.

It is ordered, that Mr Bellingham shall have powr to hear & determine ye cause concerning Richrd Knight, of Salsberry, about suspition of fellony, for asmuch as ye said Richrd is not able to travaile.

It is ordered, that 50t p̃ @ shalbe alowed out of ye 100t for the capt̃ of the Castle. Castl II.

1644. It is ordered, that Mr Dunster, ꝑsident of the col[ledge] at Cambridge, shall have 150ᵗ assigned unto him, to be gathered by ye Treasurer for ye colledge out of ye mony due for ye children sent out of England, to be expended for a house to be built for ye said ꝑsident, in ꝑt of ye 400ᵗ ꝑmised unto him for his use, to belong to ye colledge.

13 November.

It is ordered, yt Mr Pilgrim shall bring, ye 27th 9 m̊, into Cort ye true invoyce & bill of ladeing of all such goods as were loaden at London, & a true [*66.] account of such goods & marchandizes as were recd upon former *debts, & what was otherwise traded at Archibectoo, or whatsoever else belonged to ye marchants of ye ship Gilliflowr, now in ye harbor, & shall give in a true account to whom hee đđ ym.

It is desired ye 19th of ye 10th m̊ shalbe kept a day of publique humiliation in regard of or native country, ye prevailg of erroneous & corrupt opinions, ye sore warrs, & extreame wants of many there, wth ye weighty occasions in hand both yr & here.

Indians instructed. It is ordered, yt ye County Corts in ys iurisdiction shall take care yt ye Indians residg in ye sevrall sheires shalbe civillized, & they shall have powr to take ordr from time to time to have them instructed in ye knowledge & worship of God.

581– The Cort takeing into considration ye neglect of ye armes of ye country, & ye disordrly dispsing of ym into severall hands for private use, to ye damage of ye publique, it is therefore ordered, yt ye surveyer of ye armes shall have full power, by suite or otherwise, to recovr & take into his custody all such armes of any kind yt belong to ye country from ye sevrall townes & p̃sons wch have any of ym, & to bring ym to some place or places to be safely layde up till ye Cort shall give furthr ordr for ye disposg of ym, & ys to be done by ye end of ye first m̊ next; & it is furthr ordred, yt ye surveyer shall sell ye worser sort of muskets or calcivers to such as will buy them.

Mr Aspinwall, recorder. Mr Aspinwall is chosen Recorder till ye next Cort of Election.

582– It is ordered, that all those former ordrs made about apparrell & lace are hereby repealed.

583– It is ordered, yt ye magistrates & deputies of ye Cort their passages over ye ferries, together wth their necessary attendants, shalbe free, not paying any thing for it, except at such ferries as are apppriated to any, or are rented out, & are out of ye countries hands; & there it is ordred their passages shalbe paid by ye country.

It is ordered, yt there shalbe a bushell of Indian corne or three qrts of wine paid to any Indian by ye cunstable of evry towne for evry wolfe killed wthin ye bounds of ye towne where such cunstable dweleth, upon ye townes

account, ꝑvided y^t y^e Indian bring y^e head to y^e cunstable, & make good ꝓfe where such wolfe was killed, for y^e better satisfaction y^t it was killed w^thin y^e same towne bounds. 1644. 13 November. 584–

The Court, appꝓhending y^t it is not fit to deprive y^e Indians of any lawfull comfort w^ch God aloweth to all men by y^e use of wine, do ord^r, y^t it shalbe lawfull for all such as are or shalbe alowed licence to retaile wines to sell also to y^e Indians so much as may be fit for their needfull use or refreshing.

Forasmuch as experience hath plentifully & often ꝓved y^t since y^e first arising of y^e Anabaptists, about a hundred years since, they have bene y^e incendiaries of com̄on wealths, & y^e infectors of persons in maine matt^rs of religion, & y^e troublers *of churches in all places where they have bene, & y^t they who have held y^e baptizing of infants unlawfull have usually held oth^r erro^rs or heresies togeth^r therewith, though they have (as oth^r hereticks use to do) concealed y^e same, till they spied out a fit advantage & oportunity to vent y^m, by way of question or scruple, & whereas divers of this kind have, since o^r come^g into New England, appeared amongst o^rselues, some whereof have (as oth^rs before y^m) denied y^e ordinance of magistracy, & y^e lawfulness of making warr, & oth^rs y^e lawfulnes of ma^trats, & their inspection into any breach of y^e first table, w^ch opinions, if they should be connived at by us, are like to be increased amongst us, & so must necessarily bring guilt upon us, infection & trouble to y^e churches, & hazard to y^e whole com̄on wealth,— 585– [*67.]

It is ordered & agreed, y^t if any ꝑson or ꝑsons w^thin y^s iurisdiction shall eith^r openly condemne or oppose y^e baptiz^g of infants, or go about secretly to seduce oth^rs fro^m y^e appbation or use thereof, or shall purposely depart y^e congregation at y^e administration of y^e ordinance, or shall deny y^e ordinance of magistracy, or their lawfull right or authority to make warr, or to punish y^e outward breaches of y^e first table, & shall appear to y^e Co^rt wilfully & obstinately to continue therein after due time & meanes of conviction, every such ꝑson or ꝑsons shalbe sentenced to banishm^t. Anabap.

In regard y^t y^e ma^trats w^ch dwell farr remote have bene long deteined fro^m their owne occasions, & y^t traveile is like to ꝓve very tedious this season of y^e yeare, as also in respect y^t many of y^e principle occasions w^ch should have bene heard, &c, at y^e next Co^rt of Assistants have bene heard & determined dureing y^e time of y^s ꝑsent Co^rt, it is therefore ordered, y^t if there shalbe but five of y^e ma^trats assembled at y^e said next Co^rt of Assistants, they may ꝓceed in affaires of y^e said Co^rt, & all their ꝓceedings & iudgm^ts shalbe as good efficacy & effect as if y^e said Co^rt should have bene held by eight or more of y^e ma^trats.

1644. It is ordered, y^t M^r Willi: Aspinwall shalbe a publique notary for this iurisdiction.

13 November.

586– Upon advice fro^m y^e com̄ission^rs of y^e United Colonies for gen^rall care to be taken for y^e incuragm^t of learning, & maintenance of pore schollers in y^e colledge at Cambridge, —

It is ordered, y^t y^e deputies shall com̄end it to y^e sev^rall towns, (& y^e eld^rs are to be desired to give their furth^rance hereto,) w^th declaration of y^e co^rse w^ch was ꝑpounded by y^e said com̄issioners, & hath bene put in practice already by some of y^e oth^r colonies, viz^s: of ev^ry family alow^g one peck of corne, or 12^d in mony or oth^r com̄odity, to be sent in to y^e Treasurer, for the colledge at Cambridge, or where else hee shall appoint, in Boston or Charlstowne.

587– This Co^rt, takeing into serious consid^ration y^e ꝑpositions of y^e com̄ission^rs for y^e United Colonies conc^rning y^e settleing a gen^rall way of trade w^th y^e Indians, & well weighing y^e necessity of these plantations to make imꝑvem^t

[*68.] of such helps & *advantages as y^e country affoards for y^e more comfortable cloath^g & subsisting of y^e inhabitants thereof, have thought meete to intertaine y^e said ꝑpositions, & accordingly to ord^r y^t y^t way of trading w^th y^e Indians shalbe established & confirmed for y^e space of ten years fro^m y^e first Thursday in Septemb^r next, to be ꝑsecuted according to y^e teno^r & true meaning of y^e said ꝑpositions, & y^t all interlops, both o^r owne & oth^rs, shalbe restrained as much as may be. And it is furth^r agreed, y^t this ord^r, togeth^r w^th y^e aforesaid ꝑpositions of y^e com̄ission^rs, shall, upon y^e breaking up of y^s Corte, be fourthw^th published by y^e deputies in their sev^rall townes, to y^e end y^t ev^ry inhabitant w^thin y^s iurisdiction may have timely notice hereof, & liberty to subscribe his adventure, & y^t notice be given to y^e sev^rall townes, y^t such as are und^rtak^rs do send their subscriptions & votes for y^e choyce of y^e three com̄ittees to Goodm̃ Fairbanks, at Boston, upon y^e first Tewsday in y^e first m̃ next comeing.

Andrews gift, &c. It is ordered, y^t a letter be drawne / transcribed, & sent fro^m y^s Co^rt, wherein thanks may be returned to M^r Andrewes, & y^e two ladies, & ev^ry such oth^r ꝑson as hath bene benefacto^rs to us; & M^r Deputy, M^r Dudley, & M^r Hibbens are appointed a com̄ittē to draw up y^e said lett^rs.

It is ordered, y^t y^e sergent y^t waited upon y^e deputies should have two pound nyneteene shillings paid him out of y^e treasury, w^ch is due to him for his attendance.

Upon y^e testimony of Nelson Hutchinson y^t hee did see y^e wife of John Richardson (late of Ratlife) liveing in England w^thin 12 months, & a form^r testimony concuring, y^e Co^rt do declare y^e last marriage to be voyde, w^ch was to Elisabeth Frier.

Mr Edward Rauson hath hired to farme ye rent due for wine drawen in ye countrey, for 107t 10s for a yeare. 1644.

13 November.

Mr Deputy Govrnor, Mr Dudly, & Mr Hibbens are appointed a comittē for drawing up instructions, — 588–

1. To answer for us in all such occasions as may be psented to ye Parliamt concrning us or or affaires, but not to ingage us wthout or consent.

2. To rec̃ all lettrs & othr dispatches of publiq nature or concrnmt from us.

3. To advise us of all such occurrents as may happen touchg or colony.

4. To receive all monies or othr things due to us from any pson in England, by gift or othrwise, & to dispose of ym according to direction under or publiq seale.

It is ordred, yt John Bakr onely hath liberty to sell wine at Ipswich.

Goodm̃ Smyth, of Winnetsemet, hath librty to sell wine, & to keepe a house of comon intertainment.

Willi: Fiske, of Wennam, hath liberty to sell wine.

Sebastian Brigham, of Rowley, hath liberty to sell wine, & to keepe an ordinary.

Whereas there is an order in force yt no man shalbe put to vote for a matrate at ye election but such as are nominated at ye Genrall Cort next before, ye which order is hereby repealed, — 589–

And, for an ordrly pceeding in a way of nomination, yt each freeman may have his full liberty in voting, —

It is ordred, yt ye freemen of this iurisdiction shall meete in their sevrall townes wthin two months after ye date hereof, to considr of whom they would nominate to be put to vote *upon the day of election for newe magistrates, to ye number of seaven, at wch meeting evry freeman shall have liberty to put in his vote for whom hee thinketh fit, all wch votes shalbe sealed up at yt meeting, & sent by some one or two (whom they shall choose) to ye sheire townes in each sheire, upon ye last 5th day of ye last month, at wch meeting the said selectmen of evry towne (by whom ye votes being brought) shall not have power to open them, being sealed up, as before, but shall choose one or two from amongst themselues, by whom they shall send ye aforesaid votes, being all sealed up in one pap, unto Boston, on ye last third day of ye first month, at wch meeting there shalbe two magistrates, before whom ye proxies shalbe opened & sorted; & those psons nominated for matrates that have most votes, to ye number of seaven, shalbe they that shalbe put to vote at the day of election; & that such as have most votes to be first nominated & put to election, that ye freemen may know for whom to send in their pxies. The select men of every sheire, being at this meeting, shall take care to send to [*69.]

1644. 13 November. the aforesaid selectmen of evry towne whom they be that are to be put to vote, wch select men of evry towne shall call a meeting of their townes, & acquint them whom they are, that so ye freemen may have time to consider of them, & send in their ꝑxies accordingly; & no othr shalbe put to vote but such as are agreed upon, as before.

Whereas wee haveing found by experience yt ye charge of this Genrall Cort groweth very great & burthensome, in regard of the continuall increase of deputies sent unto ye same, & furthr foreseeing yt as townes increase ye numbr wilbe still augmented, to ye unsupportable burthen of this cōmon wealth; as also it being thought a matter worthy ye triall, dureing ye standing of this order, to have ye use of ye negative vote forborne, both by magistrates & deputies, ye ꝑmisses considred, it is declared by this Cort, (if the freemen shall accept thereof,) that a tryall shalbe made for one yeare ensuing ye day of election next, by choyce of twenty deputies out of ye sevrall sheires to equall ye number of magistrates chosen upon ye day of election, the choyce of them to be thus divided: Suffolke shall choose sixe, Middlesex sixe, & Essex & Norfolk, being ioyned in one, shall choose eight; and furthr, to ye end ye ablest gifted men may be made use of in so weighty a worke, it shalbe at ye liberty of ye freemen to choose them, in their own sheires, or elsewhere, as they shall see best, the choyce to be after this manner: the freemen of each shire, meeting in their owne severall townes together wthin two months next following, shall there give in their severall votes for so many deputies as belong unto their sheire to choose, wch votes shalbe forthwith sealed up, & one or two chosen to carry ym sealed to their sheire towne the last 5th day of ye last month following, where, in ye ꝑsence of one magistrate, they shalbe opened & conferd togeather, & so many as shall have ye maior vote of ye sheire are chosen, not exceeding ye number aforesaid; & such as are so chosen shall
[*70.] assemble themselues at ye next Cort of Election, ꝑsented *under the hands of those wch were sent from ye townes to the sheire meetings aforesaid, ye names & sevrall numbr of votes they there had, from wch assembly those onely yt had ye greatest number of votes, to equall ye number of magistrates then chosen, shalbe confirmed, & ye rest dismissed from ye ꝑsent service, from evry sheire alike number, so neare as may be; the magistrates & deputies thus chosen shall sit togeathr as a full & sufficient Genrall Cort, to act in all things by ye maior vote of ye whole Cort; & furthr, it is declared, yt evry towne shall fourthwth, namely, by ye last of ye next month, send in undr ye hands of their late deputies their vote, assenting or dissenting to this ꝓposition, to ye house of Mr Nowell, who, togethr wth one of ye late deputies of Charlstowne, one of Cambridge, & one of Boston, shall have power to ꝓuse ye said votes, & if they shall find

y^t y^e greater number of y^e townes shall agree y^t this may be ꝑpounded to them shall ꝑceed, they shall thereupon fourthwith certify y^e Gov^rno^r thereof, who shall thereupon give speedy notice to ev^ry towne that they may ꝑceed according to this declaration; & whereas it may fall out y^t two or more sheires may make choyce of one & y^e same men, it is therefore ꝑvided, y^t Suffolk shall begin makeing knowne to Middlesex whom they have chosen, who y^e next 4^th day following shall make their choyce, & send word to Essex & Norfolke whom Suffolk & themselues have chosen; then y^e next 4^th day shall Essex & Norfolke make their choyce. 1644. 13 November.

It is agreed, that for an equall distribution to each towne of M^r Androws gift, y^e twelue townes, w^ch have had nothing, to wit, Waymoth, Boston, Salem, Wenham, Wooborone, Ipswich, Watertowne, Rowly, Sudberry, Newberry, Concord, & Salsberry, should have five pound a peece, or a cowe, & then all to haue 5^t, or a cowe, before Roxberry have any, in y^e ord^r following: Salsberry, Concord, Newberry, Sudberry, Rowly, Watertowne, Ipswich, Wooborne, Wenham, Salem, Boston, Waymoth, Glocester, Dedham, Hingham, Hampton, Linn, Braintree, Cambridge, Charlstowne, and Dorchester. About M^r Androws gift.

It is ordered, y^t all y^e sev^rall orders of gen^rall concernment agreed on, this wholl Co^rt, shalbe fourthwith published to the sev^rall townes w^thin this iurisdiction, & that the severall townes shall ꝑcure a coppy of them. w^thin three months und^r the Secretary his hand.

The Co^rt thinke it iust that M^r Treasurer do give M^r Downing an acquitance of what hee hath paid into the treasury, & y^t M^r Downing give also an account to this Co^rt what children were taken into the ship, & their names, & also where those children were landed, & to whom they were deliv^red.

It is ordered, that Harbert Pelham, of Cambridge, Esq^r, M^r Thom: Flint, & Leift Willerd, of Concord, & Peter Noyce, of Sudberry, shalbe com̄ission^rs to veiwe & survey y^e medows or plaine lying upon their ryver, & have hereby power given *them to set some order, which may conduce to the better im- [*71.]
ꝑveing of the said medow, & saveing & ꝑserving of the hay there gotten, eith^r by draining the same, or otherwise, & to ꝑportion the charges layd out about it as equally & iūstly (onely upon those that oweth the land) as they in their wisdomes shall see meete.

Robert Saltonstall, gen̄t, complainant by petition, on the behalfe of S^r Rich^rd, his fath^r, ag^t y^e towne of Watertowne, the cause being heard & voted, the order was entered for the complainant.

The deputies of Watertowne, after the order was entered, tooke exception against it, alleadging y^t y^e maior part of y^e magistrates did not vote for y^e complainant.

1644. 13 November. It was hereupon put to y^e^ vote of y^e^ Co^rt^, wheth^r^ y^e^ said order should not be iudged to be good & effectuall, notwithstanding the allegation; and the vote was, that it should stand good.

Upon the petition of Sarah Barnes, it was thought meete the fine should be respited till her husband returne againe into y^e^ country, unlese there appear a competent estate in y^e^ hands of William Adis to discharge this fine, beside y^e^ small quantity of corne, w^ch^ is in y^e^ hands of y^e^ said Adeis of the petitioners.

It is ordered, y^t^ y^e^ rent due for y^e^ ferry fro^m^ Boston to Winnetsemett shalbe remited, & for y^e^ time to come, y^t^ y^e^ said ferry men, in leew of their rent, shall (till the Co^rt^ take furth^r^ order) carry over all y^e^ magistrates & deputies freely, w^th^ their necessary attendants, at all times.

William Knop his fine of 5^t^ is abated to 20sh^s^.

Upon M^rs^ Stoughtons petition, it was answered, y^e^ Co^rt^ conceiveth they have not power to call M^r^ Stoughtons credito^r^s in question; but if they will pay it into y^e^ treasury, it wilbe received.

Thomas Richards case is thought doth more ꝑply belong to y^e^ Co^rt^ of Assistants, to w^ch^ hee is referred, unlese he were denied iustice in y^e^ same.

590– It is ordered, that at Waymoth ferry every single ꝑson shall pay 2^d^ for his passage.

Henry Vaine is abated halfe of his fine, if so hee satisfy y^e^ oth^r^ halfe to y^e^ Treasurer w^th^in two months.

For answer to Thomas Mourtons petition, y^e^ ma^trats^ have called him publiquely, & have layde diverse things to his charge, w^ch^ hee denies; & therefore they thinke fit y^t^ further evidence be sent for into England, & y^t^ M^r^ Downing may have instructions to search out evidence against him, & hee to lye in prison in y^e^ meane time, unlesse hee find sufficient bayle.

[*72.] *It was put to vote, ? so many as iudge that the goods carried a shore out of the ship Gillifrower, & put into the custody of the Co^rt^, are y^e^ security of M^r^ Pilgrime, m^r^ of y^e^ said shipe, & to bee paid here out of y^e^ same. Y^e^ maior vote was, not to bee paid here; but it was stoped by a negative vote of the deputies.

591– Answers of the Rev^r^end Elders to certeine Questions ꝑpounded to them.

Q: F: Whether the ma^trates^ are, by patent and elections of the people, y^e^ standing councell of y^s^ com̄on wealth in y^e^ vacancy of y^e^ Gen^r^all Court, & have power accordingly to act in all cases subiect to government, according to y^e^ said patent, & y^e^ lawes of y^s^ iurisdiction; & when any necessary occasions call for action fro^m^ authority, in cases where there is no p̃ticuler expresse law ꝑvided,

there to be guided by y^e^ word of God till y^e^ Gen^r^all Co^r^t give p̃ticuler rules in such cases. 2. 5. m̃, 1644. 1644.

13 November Ans: F:

The ma^trates^ are, by patent & election of y^e^ people, y^e^ standing councell of y^e^ com̃on wealth, in y^e^ vacancy of y^e^ Gen^r^all Co^r^t, & accordingly may act, in all cases ꝑteining to governm^t^, according to y^e^ patent, & laws made by y^e^ said Gen^r^all Co^r^t of this iurisdiction. This answer is grounded upon sundry passages in y^e^ said patent, as pa: 10, w^r^ it is said y^t^ y^e^ Govern^r^, Deputy Gov^r^n^r^, & Assistants shall apply y^m^selues to take care for y^e^ best dispos^g^ & ordering of y^e^ gen^r^all businesses & affaires of, for, & concerning y^e^ lands & ꝑmises, & y^e^ plantation thereof, & y^e^ governm^t^ of y^e^ people there. Also, pa: 11, it is said y^t^ y^e^ Governo^r^, Deputy Gov^r^no^r^, & Assistants, or any such number of y^m^ as y^r^ is ex̄ssed, shalbe a full & sufficient Co^r^t for y^e^ handleing, ord^r^ing, & despatching of all such businesses & occurrences as shall fro^m^ time to time happen touching or concerning y^e^ said Company or plantation. And it is said, pa: 12, y^t^ it is in y^e^ power of y^e^ Gen^r^all Co^r^t to make laws & ordinances for y^e^ good & welfare of y^e^ Company; &, pa: 18, they may make & establish wholsome lawes, statutes, & ordinances for y^e^ settleing of y^e^ formes & ceremonies of gov^r^nm^t^ & ma^cy^e^, & for manadging & stiling of all sorts of officers, supio^r^ & inferio^r^, & for y^e^ distinguishing & setting fourth of y^e^ sev^r^all duties, powers, & limits in ev^r^y such office & place. 2. Wee do not find y^t^ 2. by y^e^ patent they are ex̄sly directed to ꝑceed according to y^e^ word of God; but wee und^r^stand y^t^ by a law or liberty of y^e^ country they may act in cases wherein as yet y^r^ is no ex̄sse law, so y^t^ in such acts they ꝑceed accord^g^ to y^e^ word of God.

Wheth^r^ y^e^ Gov^r^n^r^ & Assistants have any pow^r^ by patent to dispence ius- Qu. tice in y^e^ vacancy of y^e^ Gen^r^all Co^r^t, w^th^out some law or ord^r^ of y^e^ same to declare y^e^ rule.

We do not find in y^e^ com̃on wealth now constituted by y^e^ patent, y^t^ y^e^ An. Gov^r^n^r^ & Assistants have any pow^r^ to dispence iustice, in y^e^ vacancy of y^e^ Gen^r^all Co^r^t, w^th^out some law or order of y^e^ same as y^e^ rule of their administration, w^ch^ wee conceive it were meete to be ex̄sse, for y^e^ regulating of all p̃ticul^r^s, as farr as may be; where such cannot be had, to be supplied by gen^r^all rules.

Wheth^r^ any Gen^r^all Co^r^t hath not pow^r^, in p̃ticuler cases, to choose any Qu. commission^rs^, eith^r^ Assistants or freemen, exempting all oth^rs^, to give y^m^ commission to set forth their pow^r^ & places; by any p̃ticul^r^ case wee meane in all things & in y^e^ choyce of all offic^rs^ y^t^ y^e^ com̃on wealth stands in need of, between election & election, not taking away y^e^ peoples liberties in elections, nor turning out any offic^r^ so elected by y^m^ w^th^out shewing cause?

1644. If y^e^ tearmes (all things) imply or intend all cases of constant iudicature & counsell, wee answere negatively, viz^ſ^, that y^e^ Gen^r^all Co^r^t hath not power by patent in all such cases to choose any offic^r^s or com̄ission^rs^, eith^r^ Assistants or freemen, exempting, y^t^ is, excluding, all oth^rs^, to give y^m^ commission to set forth their power & places, because it would y^n^ follow y^t^ y^e^ ma^trats^ might be excluded fro^m^ all cases of constant iudicature & counsell, w^ch^ are their principle worke, w^r^by also y^e^ end of y^e^ peoples election would be made frustrate.

13 November. An.

[*73.] *But if these tearmes (all things) imply & intend cases, wheth^r^ occasional
2. or oth^r^s, belonging neith^r^ to constant iudicature nor counsell, wee answ^r^ affirmatively, viz^ſ^, the Gen^r^all Co^r^t hath pow^r^, by patent, in such p̃ticul^r^ cases, to choose any offic^rs^ & com̄ission^r^s, eith^r^ Assistants or freemen, exempting all oth^r^s, to give y^m^ commission to set forth their pow^r^ & places; w^ch^ yet wee und^r^stand w^th^ y^s^ distinction, viz^ſ^, that if y^e^ affaires com̄itted to such offic^rs^ & com̄ission^rs^ be of gen^r^all concernm^t^, wee conceive y^e^ freemen, according to patent, are to choose y^m^, y^e^ Gen^r^all Co^r^t to set forth their pow^r^ & places; but if y^e^ affaires com̄itted to such offic^rs^ or com̄ission^rs^ be of meerly p̃ticuler conc^r^nm^t^, y^n^ wee conceive y^e^ Gen^r^all Co^r^t may both choose y^m^ & set forth their power & places. Whereas wee give cases of constant iudicature & counsell to y^e^ ma^trats^, wee thus interpret y^e^ word counsell: counsell consists of care & action; in respect of care, y^e^ ma^trats^ are not limited; in respect of action, they are to be limited by y^e^ Gen^r^all Co^r^t, as y^e^ sup̄me counsell. Finally, it is o^r^ humble request, y^t^ in case any difference growe in y^e^ Gen^r^all Co^r^t between ma^trats^ & deputies, eith^r^ in these or any like weighty cases, w^ch^ cannot be p̄sently issued w^th^ mutuall peace, y^t^ y^n^ both p̃ties wilbe pleased to deferr y^e^ same to furth^r^ delib^r^ation, for y^e^ hono^r^ of God & of y^e^ Co^r^t. 12 9 m̊, 1644.

Qu. 1. Wheth^r^ y^e^ deputies in y^e^ Gen^r^all Co^r^t have iudiciall and magistraticall authority?

Qu. 2. Wheth^r^ by patent, y^e^ Gen^r^all Co^r^t, consisting of ma^trats^ & deputies, as a Gen^r^all Co^r^t, have iudicial or magistraticall authority?

An. 1. The patent, in exp̄sse words, giveth full pow^r^ & authority as to y^e^ Gov^r^n^r^ & Assistants, so to y^e^ free men, also assembled in Gen^r^all Co^r^t. Pa: 11.

2. Whereas y^r^ is a 3 fold pow^r^ of magistraticall authority, legislative, iudicative, & consultative or directive of y^e^ publick affaires of y^e^ country for p̄vision & p̄tection, y^e^ first of these, namely, legislative, is exp̄sly given to y^e^ freemen, ioyntly w^th^ y^e^ Gov^r^no^r^ & Assistants, pa: 12. Consultative or directive pow^r^ of y^e^ publick affaires of y^e^ com̄on wealth, for p̄vision & p̄tection, is granted also by patent to y^e^ freemen, as to y^e^ Governer & Assistants, pa: 18. But now for

pow^r of iudicature, if wee speak of y^e constant & usuall administration thereof, wee do not find y^t it is granted to y^e freemen or deputies in y^e Gen^rall Co^rt, eith^r by y^e patent, or by y^e election of y^e people, or by any law of y^e country. 1644. 13 November.

But if wee speake of y^e occasionall administration thereof, wee find pow^r of iudicature administrable by y^e freemen, ioyntly w^th y^e Gov^rn^r & Assistants, upon a double occasion; first, in case of defect or delinquency of a ma^trate, wee find y^e whole Gen^rall Co^rt, of Gov^rn^r, Deputy Go:, Assistants, & freemen, may ꝑceede to remove him. Pa: 12.

If, by y^e law of y^e country, y^r lye any appeale to y^e Gen^rall Co^rt, or any oth^r speciall causes be reserved to their iudgm^t, it will necessarily inferr y^t in such cases, by such laws, y^e freemen, ioyntly w^th y^e Gov^rno^r & Assistants, have pow^r of iudicature, touching y^e appellants & cause of y^e appeale, & those res^rved cases. 2.

What wee speake of y^e pow^r of freemen, by patent, the same may be said of y^e deputies, so far forth as y^e pow^r of y^e freemen is deligated to y^m by order of lawe.

Whether wee may warrantably ꝓscribe c^rteine penalties to offences w^ch may ꝑbably admit variable degrees of guilt? Qu. 3.

Whether a judge be bound to ꝑnounce such sentence as a positive law ꝓscribs, in case it be apparently above or beneath y^e meritt of y^e offence? Qu. 4.

Certeine pœnaltics may & ought to be ꝓscribed to capitall crimes, although they may admit variable degrees of guilt, as in case of murth^r, upon ꝓpensed malice, & upon sudden ꝑvocation: y^r is ꝓscribed y^e same death in both, though murth^r, upon ꝓpensed malice, be a far greater guilt y^n upon suddaine ꝑvocation. Num. 35: 16, 17, 18, w^th v^r 20, 21. Also in crimes of lesse guilt, as in theft, though some theft be of greater guilt y^n oth^r, (as for some man to steale a sheope, who hath lesse need, is of greater guilt y^n for anoth^r, who hath more need,) y^e Lord ꝓscribed y^e same measure of restitution to both. (22 Exod. 1.) An. 1. 2. In case y^t variable circumstances of an offence do so much vary y^e degrees of guilt as y^t y^e offence is raised to an higher nature, y^r y^e pœnalty must be varied to an high^r answ^rable ꝑportion; y^e striking of a neighbo^r may be punished w^th some pecuniary mulct, w^n y^e striking of a fath^r may be punished *w^th death; so any sinn co͞mitted w^th an high hand, as y^e gathering of sticks on y^e Saboth day, may be punished w^th death, w^n a lesser punishm^t might serve for gath^ring sticks privily, & in some neede. 2. [*74.]

In case circumstances do so vary a sinn as y^t many sinns are complicated or wraped up in it, y^e pœnalty is to be varied according to y^e pœnulties of those sev^rall sinns. A single lye may be punished w^th a lesse mulct y^n if it be tould before y^e iudgm^t seate, or elsewhere, to y^e damage of any ꝑson, wheth^r in 3.

1644. his good name by slaundr, or in his estate, by detrimt in his comerce, in wch
13 November. case a lye, aggravated by circumstances, is to be punished, wth respect both to a lye & to a slander, & to ye detrimt wch another sustaineth thereby.

4. In case yt ye circumstances wch vary ye degrees of guilt concerne only ye ꝑson of ye offender, (as whethr it was his first offence or customary; whethr hee was enticed yrto, or ye enticer; whethr hee were principall or accessary; whethr unadvised or witting, & willing, &c,) there it were meete yt ye ꝑnalty should be exꝑssed wth a latitude wrof ye lowest degree to be exꝑssed, suppose 5s, or, as ye case may be, 5 stripes, & ye highest degree 20s, or 40s, or stripes more or lesse, wthin wch compasse or latitude it may be free to a matrate to aggravate or mittigate ye ꝑnalty, as ye circumstances do aggravate or alleviate ye offence; yet even here care would be taken yt a matrate attend in his sentence as much as may be to a certeine rule in those circumstances, lest some ꝑson, whose sinns be alike circumstantiated wth another, if his punishmt be not equall ye one wth ye othr, one may thinke himselfe more unequally dealt
5. wthall yn anothr. 5. In these cases wrin a judge is ꝑswaded in conscience yt a crime deserveth a greater punishmt yn ye law inflicteth, hee may lawfully ꝑnounce sentence according to ye ꝑscript pœnalty of ye lawe, because hee hath no powr comitted to him by lawe to go higher; but wr ye lawe may seeme to ye conscience of ye iudge to inflict a greater penulty yn ye offence deserveth, it is
6. his pt to suspend his sentence till, by conference wth ye lawgivers, hee find liberty eithr to inflict ye sentence or to mittigate it. 6. Ye penulties of great crimes may sometimes be mitigated by such as are in cheife powr, wch, in ys country, is ye Genrall Cort, out of respect to ye publick good service wch ye delinquent hath done to ye state in formr times. So Solomon mittigated ye punishmt of Abiathar, for his service done to his fathr formrly. (1 King, 2: 26, 27.) 13 9 m, 1644.

Qu. 1. Whethr ye distinction of powr of authority in ye matrats, & onely librty of counsell in ye people, be according to ye patent wth respect to ye matrats & deputies in ye Genrall Cort?

An. Wee conceive yt by patent, as ye people have liberty of counsell, so they have also othr powr of authority in such manner as wee have exꝑsed in or answr to ye 2 first questions sent unto us by or honored matrats.

Qu. 2. Whethr ye Genrall Cort, consisting of matrates & deputies, be not ye cheife powr of ys comon wealth; & to describe ye powr of magistracy, & prescribe laws to all, & do all othr acts wch belong to such a power?

An. The Genrall Cort, consisting of ye matrats & deputies, is ye cheife civill powr of ye comon wealth, so as to describe ye powr of ye magistracy, & to ꝑscribe (in a civill way) lawes unto all not repugnant to ye lawes of God, nor

to y^e^ patent, nor to y^e^ fundam^t^all laws & liberties established in y^e^ com̄on wealth, & accordingly may do all oth^r^ acts w^ch^ belong to such a power, as, namely, both acts of counsell tending to y^e^ ꝓvision, & ꝓtection, & welfare of y^e^ whole body, & also acts of iudgm^t^, so farr as (according to our answ^r^ to y^e^ 2 form^r^ questions of o^r^ hono^r^ed ma^trats^) is by y^e^ patent or choice of y^e^ people, or by y^e^ laws of y^s^ com̄on wealth, reserved to y^m^ & seated in them. 1644. 13 November

Wheth^r^ o^r^ gov^r^nm^t^ be a pure aristocracy, or mixt w^th^ a democracy? If mixt, wheth^r^ it should not be mixed in all administrations of y^e^ same? Qu. 3.

O^r^ answ^r^ is, not a pure aristocracy, but mixt of an aristocracy & democracy, in respect of y^e^ Gen^r^all Co^r^t. 2. Notw^th^standing it be mixt in y^e^ Gen^r^all Co^r^t, yet it followeth not necessarily y^r^upon y^t^ it should be mixed in all oth^r^ Co^r^ts & administrations y^r^of, because o^r^ forme (as all oth^r^ formes of civill governm^t^) *is y^e^ ordinance of man; therefore, as it was free to make it mixed or simple, so also to make it mixed in y^e^ Gen^r^all Co^r^t, & unmixed in others, according to y^e^ pleasure of the ordayn^rs^ thereof. Accordingly, o^r^ patent, notw^th^standing it hath made o^r^ gov^r^nm^t^ mixed in respect of y^e^ Gen^r^all Co^r^t, yet it seemes to have instituted subordinate administrations of iustice, to be aristocratically dispensed by y^e^ Co^r^t of Assistants; yet even in these Co^r^ts there is some place for a democraticall dispensation in respect of y^e^ iurors. 13 : 9 m̄, 45. An. 1. 2. [*75.]

It was voted, & all the answers given in by the reverend elders to the severall questions were approved iust & true answers to satisfaction, except such as are not put to vote.

That the Assistants have no power to act in iudicature w^th^out some law of the Gen^r^all Co^r^t to declare the rule. Prpo. 1.

That y^e^ Assistants have no power to act in iudicature w^th^out some lawe eith^r^ ꝑticulerly exꝑssed, or in gen^r^all tearmes, in defect thereof, enacted by y^e^ Gen^r^all Co^r^t as y^e^ rule of their administration. Eld^rs^ appr.

That y^e^ Gen^r^all Co^r^t, consisting of ma^trats^ & deputies, is y^e^ cheife civill pow^r^ of this com̄on wealth, & may act in all things belonging to such a pow^r^ conc^r^ning counsell & iudicature, namely, for making lawes, receiving appeales, quæstioning & sentencing y^e^ highest offic^r^s, & consulting about y^e^ weightiest affaires of this com̄onwealth, & in all oth^r^ cases w^ch^ in their wisdome they thinke fit to take cognisance of. Prpo. 2.

That y^e^ Gen^r^all Co^r^t, consisting of ma^trates^ & deputies, is y^e^ cheife civill pow^r^ of this com̄on wealth, & may act in all things belonging to such a power, both conc^r^ning counsell in consulting about y^e^ weighty affaires of y^s^ com̄on wealth, & concerning making of lawes; also conc^r^ning iudicature in orderly impeaching, removeing, & sentencing any offic^r^s, even y^e^ highest, according to Eld^rs^.

1644. lawe; likewise in receiving appeales, wheth^r touching civill or criminall cases, wherein appeales are or shalbe alowed by y^e Gen^rall Co^rt.

13 November

P^rpo. 3. That no ma^trate hath pow^r to vary from y^e pœnalty of any lawe, eith^r to mittigate or exceede y^e same.

Eld^rs. That no ma^trate hath pow^r to vary fro^m y^e pœnalty exp̃sed in any lawe, eith^r to mittigate or exceede y^e same, w^thout consulting w^th y^e Gen^rall Co^rt.

P^rpo. 4. That y^e patent, in exp̃se words, giveth full pow^r & authority, as to y^e Gov^rn^r & Assistants, so to y^e freemen also assembled in y^e Gen^rall Co^rt.

Eld^rs. That y^t full power, w^ch is described by y^e patent, & granted to y^e Gen^rall Co^rt, is given not onely to y^e Gov^rn^r & Assistants, but also to y^e freemen there assembled, & acting w^th co^mon consent.

P^rpo. 5. That c^rtaine pœnalties may, & ought to be, p̃scribed in div^rse cases, [al-] though y^e offences admit of variable degrees of guilt.

Eld^rs. That c^rteine pœnalties may, & ought to be, p̃scribed in div^rse [cases], although y^e offences admit of variable degrees of guilt.

[Page 76 is blank.]

1645. **At a Co^rt of Election, at Boston, the 14^th of the 3^th Month, @ 1645.*

14 May.

[*77.]

P^rsent, The Gov^rn^r,
Y^e Deputy Go:,
M^r Endecott,
M^r Pelham,
M^r Bellingha^m,
M^r Saltonstall,
M^r Winthrope, Iu:,
M^r Bradstreete,
Increase Nowell,
M^r Flinte,
M^r Pinchen,
M^r Hibbens,
M^r Symonds.

Deputies p̃sent,

M^r W^m Hathorne,
M^r Hen: Bartholomew,
Leift̃ Ra: Sprage,
Thom: Line,
Leift̃ Duncan,
S^rg^t Atherton,
Maior Gibons,
Capt̃ Keayne,
John Johnson,
Willi: Parks,
Capt̃ Jenings,
Leift̃ Mason,
Capt̃ Briges,
Capt̃ Cooke,
M^r Sa: Sheop̃d,
M^r W^m Hubberd,
Joseph Meadcalfe,
M^r Ri: Dum̃er,
M^r Edw^d Rawson,
Leift̃ Tory,
M^r Bo: Allen,
Josua Hubb^rd,
Leif: Willerd,
M^r Sa: Winslye,
Capt̃ Wiggen,
Leift̃ Howard,
John Heiward,
Pet^r Bracket,

Samu: Basse,
Mr Carlton,
Math: Boyce,
Edwd Goodenow,
Mr Prichrd,
Leif: Johnson,
Mr Sparhauke.

1645.
14 May.

THOMAS DUDLEY, Esq, was chosen Govrnr, & tooke his oath.
John Winthrope, Esq, was chosen Deputy Govr, & tooke his oath.
John Endecott, Esq, was chosen Assistant, & tooke his oath.
Richrd Bellingham, Esq, was chosen Assistant, & tooke his oath.
Richrd Saltonstall, Esq, was chosen Assistant, & tooke his oath, 22 3 m.
Mr John Winthrope, Iuni:, was chosen Assistant, & tooke his oath.
Mr Symon Bradstreete is chosen Assistant, & tooke his oath, 19 3 m.
Increase Nowell is chosen Assistant, & tooke his oath.
Mr Thom: Flint is chosen Assistant, & tooke his oath, 19 3 m.
Mr Willi: Pinchin is chosen Assistant, & tooke his oath, ye 5th 5th m.
Mr Willi: Hibbens is chosen Assistant, & tooke his oath.
Mr Samu: Symonds is chosen Assistant, & tooke his oath.
Mr Harbert Pelham is chosen Assistant, & tooke his oath.
John Endecott, Esq, was chosen Sergent Maior Genrall.
Mr Richrd Russell is chosen Treasurer.
Increase Nowell is chosen Secretary.

It was ordered, yt 2 boates should be sent to ye ship anchoring or hovring neare ye shore, to know what shee is, & wt shee intends.

Hugh Gunnison & Susan Hudson were denied to draw wine.

Hingham busines was hard: a petition was ꝑduced undr the hands of 81, wherein they complained of their liberties infringed. Josua Hubberd & John Foulcher did complaine against ye Deputy Governor, the first for binding him & others wth sureties to appeare at the Quarter Cort, the other for being committed for refuseing to give his owne band for his appearance.

Edward Bircham is chosen & alowed to be clarke of the writs at Linn, & to record marriages, births, & deaths there.

Thomas Layton is granted liberty to drawe wine for one yeare at Linn.

Thomas Layton, Edward Bircham, & Thomas Putman are chosen to end small controversies in Linn.

Mr Samu: Dudley, Samu: Winsley, & Robt Pyke are chosen to end small controversies for this yeare in Salsberry.

Capt Perkins, Willi: Tory, & John Whiteman are chosen to end small controversies in Waymoth.

Hugh Griffin is chosen & allowed clarke of the writts in Sudberry.

1645. Hugh Caulking, Thomas Smyth, & Obedia Brewen are chosen to end small controversies in Glocester.

14 May. John Russell is chosen & alowed clarke of the writs in Cambridge.

Philemon Dalton hath authority to see people marry at Hampton.

Mr Edward Woodman, Mr John Lowle, & Richrd Knight are chosen to end small causes under 20s in Neweberry.

Mr Richrd Browne, Leift Mason, & Ephraim Child are chosen to end small causes in Watertowne under 20shs.

Richrd Wooddy, Senior, is granted to drawe wine in Roxberry, ꝑvided hee take ye wine yt Capt Welds wife hath bought, & pay her for it so much as shee hath sould ye rest of it for to him, in such pay as was made for ye wine to ye merchant.

John Whiteman is confirmed ensigne of the company at Waymoth.

It is ordered, yt ye maior genrall shall have ye like comission undr ye seale yt ye formr maior genrall had.

[For the names of those made free 14 May, 1645, and entered in the margin of pages 78 and 79, see the list at the end of the volume.]

[*78.] *Thomas Caule is alowed to keepe victualing in his house for strangrs.

Concord rates are to be considered by such as are appointed to asses ye townes.

Robrt Turner is granted ye 15t or 16t in hands of Franc̃ Smyth, card-maker, ꝑvided ye money is not already disposed of.

It is ordred, yt in ye entry of Watertowne officrs, Mason should be put insteed of Bartlett, to be their leiftenant.

Ralph Haywood is remitted 40shs of ye 5t wch he was to pay for his boy; ye 3t Mr Hathorn & Hen: Bartholomew have undrtooke to pay by ye 22th 7th m̃.

Capt̃ Wm Perkins is granted his 400 ac̃ of land next Roxbry & Ca: Keaynes farmes.

It is ordred, yt John Mileham & Thom: Lake shall take a true inventory of ye goods in ye ship Rainbowe, & belonging to her, & safely bestowe ym in some sellar, togethr wth ye sailes & othr moveables in ye said ship, & returne ye said inventory & key of ye sellar to ye Cort, wth what convenient speed may be; also to inquire after any goods wch may already be come a shore, wch are to be bestowed wth ye othr.

James Penn is licensed to draw wine for so long time as hee kepes intrtainemt for ye Cort in Boston, eithr at ye house wr ye Cort now sits or wr they shall sit hereaftr.

It is ordred, yt ye coopers of othr townes be sent to, yt such as desire to ioyne wth ye coops of Boston, about being a company, & invested wth powr to

regulate things in y^ir trade, may come into y^e next session of y^s Co^rt, & give their advice, or signify their thoughts hereabouts. 1645.

14 May.

Whereas comission was granted, by order of y^s Co^rt, to Harbert Pelham, Esq^r, M^r Thom: Flint, Leift Willard, & Peter Noyse, in nature of a commission of sewers, for y^e bett^r & imp^ving of y^e medowe ground upon y^e ryver runing by Concord & Sudberry, it is now declared, y^t y^e intent of y^e Co^rt was, y^t if all y^e said comission^rs should not meete upon any occasion, yet any three of y^m might p^ceed according to y^e said ord^r.

W^m Fiske is appointed clarke of y^e writs for Wenham.

M^r Noyse, Walter Hayne, & Willi: Ward are appointed to end small causes in Sudberry, for y^e yeare ensuing.

Whereas it is conceived y^t y^e training up of youth to y^e art & practice of armes wilbe of great use in y^s country in divers respects, & amonge y^e rest y^t y^e use of bowes & arrowes may be of good concernm^t, in defect of powder, upon any occasion, it is therefore ordered, y^t all youth w^thin this iurisdiction, from ten yeares ould to y^e age of sixeteen yeares, shalbe instructed, by some one of y^e offic^rs of y^e band, or some oth^r experienced souldier whom y^e cheife officer shall appoint, upon y^e usuall training dayes, in y^e exercise of armes, as small guns, halfe pikes, bowes & arrowes, &c, according to y^e discretion of y^e said officer or souldier, p^vided y^t no child shalbe taken to y^s ex^rcise against y^ir parents minds; y^s ord^r to be of force w^thin one month after y^e publication hereof. 590– Training youth.

The petition^rs about y^e cargo of y^e ship Rainbowe being come to agreem^t among y^mselues, & haveing given security to be responsall (as y^e Co^rt shall ord^r upon y^e triall) for what shalbe deliv^red to y^m, y^e Co^rt doth conceive it reasonable y^t y^e wines (w^ch oth^rwise will turne to damage) be deliv^red to them.

John Johnson is granted 40^t for his service done y^e country diverse yeares past, w^ch 40^t he is to receive (according to his own p^position & request) out of such debts, w^ch he is privy to, y^t are oweing to y^e country, w^ch are intrusted w^th him by y^e country.

It is ord^red, y^t M^r Bradstreete & M^r Hathorne shall have alowed to y^m (out of y^e next country rate) what they have not received of y^e 12^t 15^s 4^d, expended upon y^e iourny to Conectecot, viz^t, by M^r Bradstreete 6. 11. 7^d, & by M^r Hathorne 6. 3. 9^d, w^rof M^r Bradstreete hath rec^d 3^t, so y^r is due to him 3^t 11^s 7^d, & M^r Hathore hath rec^d 2^t 14sh^s, of y^e said sume resteth due 3. 9. 9^d.

In answ^r to M^r Rob^rt Saltonstall his petition to have y^e ord^r for medowe for his fath^r, S^r Rich^rd, explained, it is conceived y^e order doth sufficiently

1645. explaine it selfe; y^t S^r Rich: Saltonstall shall have a true title to y^e land in y^e towne of Watertowne, w^ch he shall ꝑve to have bene mowed by him or his agents foure yeares togeth^r, & no other.

14 May.

M^r John Whitingham is confirmed leift̃ at Ipswich, acc^o to y^ir choyce.

[*79.] *Thomas Howlet is confirmed ensigne at Ipswich, acc^o to y^ir choyce.

590– Inns. Drunkennes or disord^r. It is ord^red, y^t no man shalbe alowed to keepe publike houses of intertainm^t for strang^rs or travellers, nor shall any one be a cōmon victualler, inkeeper, or keeper of a cookes shop, vintner, taverner, or publike seller of wine, ale, beare, strong water, w^thout alowance in some Q^rt^r Co^rt in y^e sheire where such do dwell, upon paine of forfeiture of 20^s ꝑ weeke while they continue w^thout y^e said licence; nor shall any such ꝑson as have publike houses of intertainem^t, & have licence, sell beare for aboue 2^d an ale q^rt; neith^r shall any such ꝑson or ꝑsons form^rly named suff^r any to be drunke or drinke excessively, or continue tipling above y^e space of halfe an hour in any of y^ir said houses, und^r pœnalty of 5^s for ev^ry such offence suffred; and ev^ry ꝑson founde drunke in y^e said houses or elsewhere shall forfeit 10^s, & for ev^ry excessive drinking he shall forfeit 3. 4^d; for siting idle, & continuing drinking above halfe an houre, 2^s 6^d; & it is declared to be excessive drinking of wine when above halfe a pint of wine is alowed at one time to one ꝑson to drinke; ꝑvided y^t it shalbe lawfull for any strang^rs, or lodgers, or any ꝑson or ꝑsons, in an ord^rly way, to continue in such houses of cōmon intertainem^t dureing meale times, or upon lawfull busines, what time their occasions shall require. It is further ord^red, y^t ev^ry inn keeper shall ꝑvide for intertainm^t of strang^rs horses, haveing one inclosure for sum̃er, & hay & ꝑvender for winter. And if any ꝑson offend in drunkennes, excessive or long drinking, y^e second time, they shall †lay double fines, & if they fall into y^e same offence y^e third time, they shall pay treble fines; & if y^e p̃ties be not able to pay y^e fines, y^n he y^t is found drunke shalbe punished w^th ten stripes, & he y^t offends in excessive or long drinking, hee shalbe put in y^e stocks for three houres w^n y^e weather is seasonable, & if they offend y^e 4^th time, they shalbe put into prison, & there remaine till they put in two sufficient sureties for their good behavio^r.

† pay.

Further, it is ord^red, y^t any one ma^trate, w^thin y^ir sev^rall sheires, may hear & determine any offence or offences against y^s ord^r, & upon due conviction by veiwe of y^e ma^trate, by two witnesses, or confession of y^e partye, to levye y^e said sev^rall fines by a warrant to y^e cunstable for y^t end, who shalbe accountable to y^e Treasurer of y^e sheire for y^e same.

591– Labo^rers not to take wine. Whereas it is found, by too cōmon & sad expience in all p̃ts of y^e colony, y^t y^e forcing of labo^rers & oth^r workmen to take wine in pay for y^r labo^r is a great nursery or ꝑparative to drunkennes & unlawfull tipling, occasioning

y^e^ private meetings of ꝑfane ꝑsons, whereby youth is drawen aside to lewdnes, y^e^ good creature of God notoriously abused, y^e^ harts of good people much sadened, y^e^ ꝑfession of religion scandalized, & y^e^ Lord greatly dishonored, it is therefore ord^r^ed & ordained by y^s^ Co^r^t, y^t^ no labo^r^er or workman whatsoev^r^ shall, aft^r^ y^e^ publication & ꝑmulgation hereof, be inforced or ꝑsed to take wine in pay for his labo^r^; & for furth^r^ ꝑvention of y^e^ aforesaid enormities & unlawfull tipling, & excesse of drinking, it is hereby furth^r^ ordained y^t^ no labo^r^er or workman whatsoev^r^, aft^r^ y^e^ 10^th^ of July next ensuing, und^r^ w^t^ ꝑtence soev^r^, shall sell wine, or make paym^t^ of any debt therew^th^, eith^r^ by retaile or otherwise then in y^e^ same peece he takes y^e^ same; & if any such ꝑson or ꝑsons shall, notw^th^standing, offend, contrary to y^s^ order, shall forfeite & loose 2^s^ for ev^r^y quart of wine so sould & disposed of. 1645. 14 May. Workmen not to sell wine.

It is conceived John Eales should be placed in some convenient place, where he may be implied in his trade of beehive makeing, &c; & y^e^ towne of Newberry to make up what his worke wanteth of defraying y^e^ charge of his livelyhoode.

The Co^r^t, consid^r^ing of y^e^ difficulties y^t^ such meete w^th^ y^t^ make ꝑvisions for y^s^ Co^r^t, at his motion who now maketh ꝑvision for y^e^ same, for some such ꝑportionable pay to be made him out of y^e^ next country rate as may enable him comfortably to go through w^th^ y^t^ w^ch^ he is called to, & may be expected from him, do order, y^t^ w^t^soev^r^ charge for dyet shalbe expended for y^e^ time to come by y^e^ ꝑsent *session of y^e^ Co^r^t, it shalbe satisfied by y^e^ sev^r^all townes, according to their equall ꝑportions, in cattle, wheate, mault, or barly, w^th^in three months from y^e^ date hereof. Dated y^e^ 16^th^ 4^th^ m̃, 1645. Co^r^t dyot. [*80.]

This Co^r^t, being sensible of y^e^ many publike imploim^ts^ y^t^ y^e^ ma^trats^ are called to, (w^ch^ dayly increaseth, & w^ch^ necessarily occasioneth much expence of their time, to y^e^ ꝑiudice of y^ir^ families & estates, knowing also y^e^ straitnes of things in y^e^ country, & y^e^ iust care y^t^ this Co^r^t ought to take to see y^t^ none be unequally burthened, or discouraged fro^m^ doing s^r^vice to y^e^ country in such places as they may be called to,) do therefore hereby order, y^t^ such as are chosen y^s^ yeare to y^e^ place of an Assistant, & so those y^t^ shall hereaft^r^ be chosen thereunto, shall have five hundred pound estate alowed to each of y^m^, rate free, both from towne & country levyes, for y^e^ space of three yeares, ꝑvided y^t^ in case any such Assistant shall be left out (at y^e^ day of election, or otherwise) w^th^in ye said tearme of three yeares, y^t^ y^n^ such Assistant so left out shall not claime y^e^ benefit of this order for so long time as hee is so discharged of being an Assistant: & y^t^ y^r^ may be an equall, iust, & impartiall hand carried to each towne in y^e^ bearing of y^e^ Assistants said alowance, it is furth^r^ ord^r^ed, y^t^ all such towne and country rates as shalbe equally & ꝑpor- 592— Magistrates to have 500^li^ rate free.

1645. 14 May. tionably laid upon y^e^ estate of any Assistant (to y^e^ valewe of 500^t^, as aforesaid) shalbe paid out of y^e^ treasury, by vertue of a ticket to be sent by y^e^ cunstable of y^e^ said towne unto y^e^ Treasurer, signed & subscribed by such said Assistant or Assistants whom it doth concerne, according to y^e^ true intent & candid meaning of this order.

Edw: Hutchinson, ensigne. The traine band of Boston haveing made choyce of M^r^ Edward Hutchinson to be y^ir^ ensigne, he is confirmed in y^t^ place.

It is conceived y^e^ estate of Linn should be considered by y^e^ committee y^t^ shalbe chosen for y^e^ sessing of y^e^ sev^r^all townes their due ꝑportions to y^e^ next country rate.

Rob^r^t Beacham his petition is not conceived fit to be granted.

Ans^r^ to M^rs^ Phillips peticō. In answere to M^rs^ Philips petition, it is conceived equall, (as y^e^ case standeth,) y^t^ y^e^ iudgm^t^ given to y^e^ widow Howe may be satisfied by lands, or goods, or p̃t of one, & p̃t of oth^r^, as y^e^ guardions of y^e^ children, w^th^ theire owne consent, shall accept of; & such lands as shalbe passed over to y^e^ widowe Howe, or to y^e^ children, for satisfaction of y^e^ said iudgm^t^, upon acknowledgm^t^ of y^e^ petitioner & y^e^ said gardions before any ma^trate^, shalbe recorded by y^e^ recorder of Boston, & so shalbe a good estate of inheritance to y^m^ against all men; ꝑvided, y^t^ y^e^ petition^r^, w^th^ y^e^ gardions of y^e^ children, w^th^ their consents, cannot agree to sequester such land or lands & goods as may secure widowe Howe, y^t^ y^n^ y^e^ iudgm^t^ given to y^e^ widowe Howe shalbe satisfied according to law, in y^t^ case ꝑvided.

Jn^o^ Russ paym^t^. It is ordered, y^t^ y^e^ Treasurer should pay John Russe, due for ferrige of y^e^ ma^trats^ to Dover, & demand y^e^ one halfe of y^e^ Treasurer of Dover.

Country armes. It is ordered, y^t^ all such as received any copies of notes deliv^r^ed in by y^e^ gen^r^all survey^r^ of w^t^ armes y^ir^ townes stand charged w^th^ should send in y^e^ same, or true copies thereof, to y^e^ said gen^e^rall surveyer, at Rich: Fairbanks house, w^th^in a fortnight after y^e^ end of y^e^ session.

20^li^ to be alowed Sudberry tow^d^ bridge. It is ordered, 20^t^ should be alowed y^e^ towne of Sudbury toward y^e^ finishing of their bridge, & way at y^e^ end of it, to be paid y^m^ when they shall have made y^e^ way passable for loaden horses, so it be done w^th^in a twelue month.

Salt peeter. It is ord^r^ed, y^t^ all meanes may be used for y^e^ ꝑsecuting & quickening y^e^ order made about salt peter, & y^t^ Edmond Gardner shall have 40^s^ alowed him by y^e^ towne of Ipswich, w^ch^ 40sh^s^ should be paid by y^e^ delinquents, & not by those who have observed y^e^ order of y^e^ Co^r^t.

[*81.] *The meadows desired by Excetter, none appearing to chaleng any ꝑpriety in y^m^, it is not thought meete to meddle w^th^ them.

John Legatt is granted to be clarke of y^e^ writs at Excetter.

Antho: Staniard, Robrt Smyth, & John Legatt are appointed to end small businesses at Excetter. 1645.

14 May.

Whereas the sume of 40^{t} was by this Cort given to John Johnson, in reference to his service (to ye country) past, & for asmuch as some part of those moneys, wch were assigned for him, ye Treasurer hath received, it is therefore ordred, yt ye said John Johnson shall gathr up all those monyes formrly assigned to him, & what it shalbe short of, ye said John Johnson is to receive of ye Treasurer, ꝑvided yt hee shall give in iust account (ye next Cort) of whom & how much he hath received of those monyes formrly assigned him.

Whereas great losse & damage doth befall ys comon wealth by reason of wolues, wch do destroy so great numbrs of or cattle, & (notwthstanding ꝑvision hath formrly bene made by ys Cort for supprsing of ym, we find little hath bene done yt way) for ye bettr incuraging of any to set about a worke of so great concernmt, — 593–

Wolves.

It is therefore ordred, yt any ꝑson, eithr English or Indian, that shall kill any wolfe or wolues wthin ten miles of any plantation in ys iurisdiction, shall have for every wolfe by him or ym so kiled 10shs, to be paid out of ye treasury of ye country; ꝑvided, yt d[ue] ꝓofe be made thereof unto ye plantation next adioyning, where such wolfe or wolves were killed, & also yt they bring a certificate undr some matrats hand, or ye cunstable of ye place, unto ye Treasurer; ꝑvided also, yt ys ordr doth onely intend such plantations as do contribute to publike charge, & for such plantations upon ye river of Pascataq, yt do not ioyne wth us to carry on publike charge, they are to make payment upon their owne charge. Wolves.

The ordr for alowing 3 qrts of wine, or a bushell of Indian corne, to any Indian for killing of a wolfe, is hereby repealed. Order as to 3 qrts wine, &c, repealled.

It is ordred, yt ye 26th 4th m̃ be kept a day of publike humiliation in all ye churches in ys iurisdiction.

It is ordred, yt ye Cort at Salem is adiourned to ye 8th of ye 5th m̃.

Whereas it is now found by sufficient ꝓofe yt ye iron worke is very successfull, (both in ye richnes of ye ore & ye goodnes of ye iron,) & like to be of great benefit to ye whole country, especially if ye inhabitants here should be interessed therein, in some good ꝓportion, (one halfe at the least,) & whereas ye time limited for adventurers to come in wilbe expired in the 9th m̃ next, this Cort taking ye same into serious considration, & being carefull yt such an oportunity for so great advantage to ye comon wealth might not be let slip, have taken order yt speedy notice thereof should be given to every towne wthin this iurisdiction, expecting yt all such ꝑsons as are of sufficient ability & About ye iron worke.

1645. 14 May. intend their owne benefit, w^th^ y^e^ co̅mon good, will forthw^th^ appeare, to come in to share in y^s^ worke, according to their abilities; & for their bett^r^ instruction & direction herein they are hereby to understand that y^r^ is already disbursed between 1200^t^ & 1500^t^, w^th^ w^ch^ y^e^ furnace is built, w^th^ y^t^ w^ch^ belongeth to it, & good quantity of mine, coale, & wood p̷vided, & some tuns of sowe iron cast, & some oth^r^ things in readines for y^e^ forge, &c. They are also to know y^t^ no adventurer is to put in lesse y^n^ 100^t^, but divers may ioyne togeath^r^ to make up y^t^ su̅me̅, so it come und^r^ one name: y^r^ wilbe neede of some 1500^t^ to finish y^e^ forge, &c, w^ch^ wilbe accepted in mony, beaver, wheate, coales, or any such co̅modities as will satisfy y^e^ workemen, & these are to be paid in to M^r^ Henry Webbe, of Boston, by such direction as they may receive from y^e^ [*82.] undertakers, *M^r^ John Winthrope, Iun̅i:, Maior Sedgwick, M^r^ Henry Webbe aforesaid, & M^r^ Josua Hewes. The newe adventurers are also to know, y^t^ they must bear their p̃t in such losse as is befallen y^e^ first stock, by forbearance or otherwise, to y^e^ time of y^e^ newe adventu^r^ers paying in their adventures; & all such as will adventure are desired to hasten their resolutions, y^t^ y^e^ worke may go on spedily.

Upon y^e^ petition of Christopher Lawson, who purchased y^e^ house of M^r^ Hen: Symonds, deceased, not haveing good assurance, or doubting y^e^ same, Isaack Walker, being husband to y^e^ late wife of Henry Symonds, togeth^r^ w^th^ Susan his wife, acknowledge y^e^ p̷formance of y^e^ bargaine on y^e^ petition^r^s behalfe, & are willing y^t^ this Co^r^t should confirme unto him & his heires what Henry Symonds sould unto him, unto w^ch^ y^e^ Co^r^t consented.

594— Ag^t^ lyinge. Whereas truth, in words as well as in actions, is required of all men, especially of Christians, who are y^e^ p̷fessed servants of y^e^ God of truth, & whereas all lying is contrary to truth, & some sort of lies are not onely sinfull, (as all lies are,) but also p̷nicious to y^e^ publike weale, & iniurious to p̃ticuler p̷sons, it is therefore ordered, y^t^ every p̷son of y^e^ age of discretion, w^ch^ is accounted 14 yeares, who shall, wittingly & willingly, make or publish any lye w^ch^ may be p̷nicious to y^e^ publike weale, or tending to y^e^ damage or iniury of any p̃ticul^r^ p̷son, or w^th^ intent to deceive & abuse y^e^ people by false newes or reports, & y^e^ same, duely p̷ved in any Co^r^t, or before any one ma^trate^, (who hath hereby pow^r^ granted to heare & determine all offences against y^s^ lawe,) such p̷son shalbe punished after y^s^ manner: For y^e^ first offence 10^s^, or, if y^e^ p̃ty be unable to pay y^e^ same, then to sit so long in y^e^ stocks as y^e^ said Co^r^t or magistrate shall appoint, not exceeding two houres; for y^e^ second offence, whereof any shalbe legally convicted, y^e^ sume of 20^s^, or, if y^e^ p̃ty be unable to pay, y^n^ to be whiped upon y^e^ naked body not exceed^g^ ten stripes; for y^e^ 3^th^ offence 40^s^, or, if y^e^ p̃ty be unable to pay, y^n^ to be whiped w^th^ more

Lying punished.

stripes, not exceeding 15; & if yet any shall offend in like kind, & be legally convicted thereof, hee or shee shalbe fined 10^{s} a time more y^{n} formerly, or, if y^{e} p̃ty so offending be unable to pay, y^{n} to be whip^{d} wth 5 or 6 stripes more y^{n} form^{r}ly, not exceeding 40 at any time; y^{e} aforesaid fines to be levied, or stripes inflicted, eith^{r} by y^{e} marshall of y^{t} iurisdiction or cunstable of the towne where y^{e} offence is co̅mitted, according as y^{e} Co^{r}t or magistrate y^{t} have iudged y^{e} cause shall direct; & such fines so collected shalbe paid to y^{e} treasury of y^{t} sheire where y^{e} cause is tryed; & if any p̷son shall find himselfe greived wth y^{e} sentence of any such ma^{trate} out of Co^{r}t, hee may appeale to y^{e} next Co^{r}t of y^{e} same sheire, giveing reasonable security to p̷secute his appeale & abide y^{e} ord^{r} of y^{e} Co^{r}t; & if y^{e} said Co^{r}t shall iudge his appeale causeles, y^{e} said appellant shalbe doubly fined, or corrected by whiping, as aforesaid, not exceeding y^{e} number of 40 stripes, & pay y^{e} costs of Co^{r}t & of y^{e} p̃ty complaining or informing, & witnesses in the case; & for all such as, being und^{r} age of discretion, shall offend in lying, contrary to y^{s} ord^{r}, their parents or masters shall give y^{m} due correction, & y^{t} in y^{e} p̷sence of some offic^{r}, if any one officer shall so appoint; & p̷vided also, y^{t} no p̷son shalbe barred of his iust action of slaund^{r} or oth^{r}wise by any p̷ceeding upon y^{s} order.

1645. 14 May. Appeale.

Forasmuch as wollen cloth is so usefull a co̅modity, wthout w^{ch} wee cannot so comfortably subsist in these p̃ts by reason of could winters, it being also at p̷sent very scarce & deare amongs^{t} us, & is likely shortly so to be in all those p̃ts fro^{m} whenc̃ wee can expect it, by reason of y^{e} warrs in Europe destroying, *in a great measure, y^{e} flocks of sheepe amongst y^{m}, & also y^{e} trade & meanes it selfe of making woollen cloaths & stuffs, by y^{e} killing & oth^{r}wise hind^{r}ing of such p̷sons whose skill & labo^{r}s tended to y^{t} end; & whereas, through y^{e} want of woollen cloaths & stuffs, many pore people have suffered much could & hardship, to y^{e} impairing of some of y^{ir} healths, & y^{e} hazarding of some of y^{ir} lives, & such who have bene able to p̷vide for y^{ir} child^{r}n cloathing of cotton cloth (not being able to get oth^{r}) have, by y^{t} meanes, had some of y^{ir} child^{r}n much scorched wth fire, yea, divers burnt to death, this Co^{r}t y^{r}fore (taking into consid^{r}ation o^{r} p̷sent condition in y^{t} p̃ticul^{r}, as also haveing an eye to y^{e} good of posterity, knowing how usefull & necessary wollen cloths & stufs would be for o^{r} more comfortable cloathing, & how p̷fitable a marchandize it is like to be to transport to oth^{r} parts) doth hereby desire all y^{e} townes in gen^{r}all, & ev^{r}y one in p̃ticuler, wthin y^{s} iurisdiction, seriously to weigh y^{e} p̷mises, & accordingly y^{t} yo^{u} will carefully indeavo^{r} y^{e} p̷servation & increase of such sheope as they have already, as also to p̷cure more, wth all convenient speede, into y^{ir} sev^{r}all townes, by all such lawfull wayes & meanes as God shall put into their hands; & for y^{e} bett^{r} effecting hereof we thinke

About sheepe. [*83.]

1645. 14 May. meete y^t it be ꝑpounded to each sev^rall towne, being called to assemble togeth^r, to know who will buy ewe sheope, at y^e rate of 40sh^s a peece, und^r 3 yeares ould, & how many they wilbe bound to buy, & in what they will make paym^t, y^t so y^r may be some course taken for y^e sending for y^m into oth^r p̃ts abroad; & y^t each towne would appoint one of y^mselues, who shall take a note of y^e names of such as are willing to furth^r y^s worke, togeth^r w^th y^e numb^r of y^e sheope they will buy, & y^e nature of y^ir pay, as aforesaid, & shall returne y^e sev^rall notes to Maior Gibon his house at Boston, at or before y^e first of y^e 7^th m̃ next; & furth^r, it is desired y^t such as have an oportunity to write to any of their freinds in England, who are minded to come unto us, to advize y^m to bring as many sheope fro^m thence as conveniently they can, w^ch, being carefully indeavo^red, wee leave y^e succease to God.

595– Whereas an imposition was lately set upon all wines w^ch should be retailed or expended w^thin y^s colony, in y^e ꝑsecution of w^ch ord^r much difficulty & inconvenience have bene found, w^ch hath bene observed to arise fro^m hence, y^t all wines not being subiect to y^e like imposition, such as were rateable were hardly to be distinguished many times from such as were like to be free, & so y^e intent of y^e said ord^r in great p̃t frustrated, —

Wines rep. It is now therefore ord^red, y^t all wines w^ch shalbe brought into y^s colony in any ship or oth^r vessell, eith^r of o^r ꝑowne, or of strangers, wheth^r English, Dutch, or oth^rs, shall pay (by way of custome or imposition) y^e four & twentieth part of y^e true valewe of all such wine so brought, & here landed to be sould, to be rated according to y^e price currant among marchants here; & for y^s end y^e mast^r or marchant of ev^ry ship wherein any such wine shalbe brought shall, w^thin 48 houres after his coming to an anchor, & notice given him by the officer appointed hereto, repair unto y^e Gov^rn^r or Deputy Gov^rn^r, or, in y^ir absence, to one of y^e next ma^trats, & before him deliv^r in a true invoyce of all such wines as shalbe aboard his ship, w^th y^e quality of y^m; & if any such m^r or m^rchant, aft^r due notice of y^s ord^r, as afore said, shall deliv^r on shore, or into any oth^r vessell, out of his ship, any vessels or vessell of wine, to y^e valewe of twenty gallons, before he have given in a true invoyce, as is here before appointed, y^e same wine so deliv^red out, or the valewe thereof, shalbe forfeit.

And it is further ordered, y^t all such as are or shalbe licenced to retaile wines (ov^r & above y^e imposition before mentioned to be paid on y^e landing) shall pay for ev^ry butt of wine, & so ꝑportionable for ev^ry smaller vessell, y^e twentieth part of y^e valewe of such wine, to be rated according to y^e currant price among m^rchants at Boston.

[*84.] *And it shalbe lawfull for y^e officer appointed hereunto to enter into y^e

houses & sellers of all such ꝑsons so licenced to retayle wines, at all convenient times, to take notice of y^e^ quantities & qualities of all such wines as may require payment of y^e^ said imposition q^r^terly, & upon refusall or none paym^t^, may repair to any magistrate, who shall have pow^r^ to convent y^e^ p̃ty, & upon heareing y^e^ cause, to grant execution for levying what shalbe due according to lawe. 1645. 14 May.

And this Co^r^t, or y^e^ Co^r^t of Assistants, shall, fro^m^ time to time, appoint an offic^r^, who shall have authority to demaund & gath^r^ y^e^ said impositions, according to y^s^ ord^r^, at y^e^ comeing in, & what shalbe transported out of y^s^ iurisdiction by such as bring it hither, not breaking of it, shalbe rebated him or y^m^ when its carried out; this ord^r^ to be of force upon y^e^ expiration of y^e^ demise of y^e^ imposition set upon wines by y^e^ form^r^ ord^r^, & y^e^ form^r^ ord^r^ to stand fro^m^ thence forth repealed & voyde.

It is ordered, y^t^ y^e^ marshall shall demaund & take of all mast^rs^ & m^r^chants y^e^ tuñage or anchorage (w^ch^ is 6^d^ ꝑ tun) appointed & ord^r^ed by y^s^ Co^r^t to be paid, & of y^e^ mast^r^s & m^r^chants of these two ships now here at anchor, & of all oth^r^s y^t^ shall come in hereafter, according to form^r^ ord^r^, y^e^ m^r^shall to give an account to y^e^ co̅mittee of y^e^ five townes. Marshall powe^r^ to demand tuñage.

An Answ^r^ to sev^r^all Questions ꝑpounded to y^e^ Gen^r^all Co^r^t by y^e^ Capt̃ of y^e^ Castle, y^e^ 3^th^ m̊, 1645. 596–

Inprimis, to y^e^ first question, answ^r^. Yo^r^ constant garrison from y^e^ sev^r^all townes shalbe 20 men for 8 m̊ in y^e^ sum̃er season, begiñing fro^m^ y^e^ first of y^e^ first m̊, & 10 men for y^e^ winter season, begiñing y^e^ first of y^e^ 9^th^ m̊, y^e^ w^ch^ garrison, both in sum̃er & wint^r^ season, yo^u^ have liberty to dispose of according to yo^r^ best skill, eith^r^ by sea or land, for y^e^ safety of y^e^ Castle & iland, accord^g^ to y^e^ 6^th^ article of yo^r^ co̅mission; & for ꝑvision of foode for yo^r^ garrison, yo^u^ shall alway have one months dyet in store for y^e^ whole garrison before hand, above yo^r^ ordinary ꝑvision, dureing all y^e^ time of their abode there. 1.

To y^e^ 2, answ^r^. Y^r^ is no constant minist^r^ to be expected; but y^e^ Lord haveing furnished yo^r^selfe w^th^ able gifts, yo^u^ are to take care of y^e^ garrison as yo^r^ owne family, onely upon y^e^ Lords dayes, w^n^ y^r^ is no apparent dang^r^, yo^u^ may, w^n^ yo^u^ see cause, give leave to halfe of yo^r^ garrison to come up to publike ordinances in y^ir^ turnes, & yo^r^selfe ev^r^y oth^r^ Lords day, if yo^u^ desire, & substitute some oth^r^ of y^e^ ableest amongst yo^u^ to take care of y^e^ rest till yo^u^ returne. 2.

To y^e^ 3. Yo^u^ shall receive a drum of y^e^ Treasurer, & make use of y^e^ 3. ould colo^r^s till newe be ꝑvided.

To y^e^ 4^th^ & 5^th^. We conceive necessary y^t^ yo^u^ should have to ev^r^y 4 peeces 4, 5.

1645. of ordinance one barrill of powder, 20 shot, & 10ll of match, & one barrell
14 May. of powdr for yor musketers, wth 200 weight of musket bullets still in store, & for all ye armes, & amunition, & store of ye Castle, fro^{m} time to time, we comit to yor care & account.

6. To ye 6. There shalbe onely one mr guñer, & out of yor garrison, to traine up such to assist him as you shall find most active & capable yt way.

7. To ye 7. One third part of ye iland shall apptaine to yorselfe for ye time of yor abode yr, a tenth pt to ye gunner for his use, & ye rest to be disposed of to ye garrison, to be set out according as yorselfe iudge meete & see occasion, & evry one to enioy ye benefit yrof dureing their continuance there.

8. To ye 8. You shall not suffer any pson yt shall come upon ye iland, or attempt ye same, eithr by night or day, to infring yor authority, or put any reproch or affront upon yorselfe or garrison, or any way to endangr yor safety; & if any shall give you iust cause of suspition of so doing, you may put ym undr comaund & examination, & yrupon, if you see iust cause, eithr keepe ym from landing or apphend ym on shore, & so comit ym to safe keeping, according to yor comission.

9. To ye 9. Concerning Goodman Jay wee meddle not wth it.

10. To ye 10. You may send a boate out to examine every ship, & to acquint ym wth ye ordrs of ye country.

[*85.] *To ye 11. We give no answere.

11. To ye 12. We refer you to or 8th answer.

12. To ye 13. Wee refer you to ye 4th article in yor comission.

13. To ye 14. Ys we account an extremity, wn ye most of yor men are dis-
14. inabled (by sicknes, death, or wounds) to hold out agst a far greater strength of yor enemies, wn you are 24 houres wthout pvision of foode, wn yor store of powdr & amunition is spent, so yt you cannot make defence though yor victuals should hould out, & wn you are wthout pbable hopes of supply, from ym yt are to relieve you, & no honorable tearmes tendered to you by yor enemy.

15. To ye 15. For pvision of fier wood you shall have free librty to cut & bring away for ye use of the Castle from any of ye ilands yt yet are not disposed of.

16, 17. For ye 16 & 17. Touching ye ordring of ye watch & garrison, we leave it wholly to yor discretion & best expience. Lastly, wee thinke meete yt evry souldier in ye garrison should have at all times dureing yir abode yr two muskets a peece, yt is, one musket a peece of ye countryes, beside yir owne, & so many pikes of ye countries as is needfull for yir defence.

The Govrnr or maior genrall shall invest ye capt in his place.

These, wth ye formr comission in ye first m, 1643 or 44, are yor directions.

1645.

It is ordered, by ye authority of ye Cort, yt all ships yt come for trading onely from othr ptes, shall have free accesse into or habors, & quiet riding yr, & free leave to depte wthout any molestation by us, they paying all such duties & charges required by law in ye country as othrs do. 14 May. 597- Ships for trade to have free accesse.

It is ordered, yt Jeffryes Creeke shalbe called Manchester.

The Deputy Govrnr & Mr Harbert Pelham are chosen comissionrs for ys colony, to meete wth ye comissionrs of ye United Colonies in their next meeting at Newe Haven, & in case eithr of these be hindred by any pvidence, yt yn Capt Cooke shall supply such defect, & if it fall out any furthr defect by any pvidence, yt yn Mr Hathorne shall supply such furthr defect; these comissionrs shall stand to ye next day of election, & untill newe be chosen. Ships to have free access.

It is ordred, yt or comissionrs, for ye United Colonies for ys yeare, togethr wth Mr Pinchen, shall have power to keepe a Cort at Springfeild, upon Conectecot, & to heare & determine all causes, both civill & criminall, eithr by a iury of sixe freemen, or othrwise, according to lawe, & to give ye oath of freedome to such as they shall find capable thereof. Springfeild Court.

It is ordred, yt ye surveyer genrall & Willi: Parks shall require ye 63. 8. 9d due from Mr Edward Tynge to ye country psently, & use all legall meanes & wayes for ye spediest recovry yr of, & lay it out & purchase powdr wth it, & delivr it to ye countries use; & furthr, they shall take care for ye calling for & securing of ye countryes debt in Mr Stoughtons hand, when they shall have full information thereabouts, by ye next ship.

For ye countie of Suffolke, ye Governr, Mr Hibbens, Mr Cotto, Mr Madder, Leift Duncan, & Mr Prichard are chosen a comittee to meete togethr to draw up a body of lawes, & to psent ym to ye considration of ye next Genrall Cort. Comittees for lawes.

For ye countye of Middlesex, Mr Pelham, Mr Nowell, Mr Thomas Sheopd, Mr Allen, Capt Cooke, & Leift Johnson are chosen a comittee to meete togethr to considr of & drawe up a body of lawes, & psent ym to ye considration of ye next Genrall Cort. Ye comittees for lawes.

For ye countye of Essex, Mr Bellingham, Mr Bradstreete, Mr Natha Rogrs, Mr Norton, Mr Ward, & Mr Hathorne are chosen a comittee to meete togethr to considr of & draw up a body of lawes, & to psent ym to ye considration of ye next Genrall Cort.

Comissionrs are appointed by ys Cort about the French busines, & comission is granted ym to examine witnesses thereabout, & ppare ye same against ye next session of a Genrall Cort. Ye Govrnor & Leift Atherton, Mr Pelham & Capt Cooke, Mr Saltonstall & Mr Hathorne are chosen, *who 597- [*86.]

1645. hereby have powr to sumon witnesses in yir severall sheires, & a pt to examine
14 May. ym, & search out ye truth of ye case, as they shall see cause.

It is ordered, yt ye Corts of Salem & Ipswich be kept by those magistrats & othr psons yt kept ye same ye last yeare, according to former order, untill ye Genrall Cort in October next.

It is agreed, yt ye day pscribed, by ye ordr about ye genrall trade, for ye adventurers bringing in their resolutions thereabout, might be altered from ye first Tewsday of ye first m to ye last 4th day of ys month of July, & wth their subscriptions yir for votes ye three comittees to ye house of Richrd Fairebanks, at Boston.

The clause in ye order for ye genrall trade, concerning liberty of trade out of ys iurisdiction, is voted & assented to.

Mr Bradstreete & Mr Symonds are appointed to keepe Corts at Dover for ye yeare ensuing. Capt Wiggin, Mr Williams, & Mr Smyth are appointed associates wth ym.

Mil. comp. of Sal. & Linn. Whereas Srgent Maior Genrall Endecott, Mr Willi: Hathorne, Capt Robrt Bridges, & divrs othr gentlem of Salem & Linn, out of yir care for ye safety of ye publike weale, by ye advancmt of ye millitary art & exrcise of armes, have desired of ye Cort to ioyne ymselues in one company, & to have librty to exrcise ymselues at such times as yir occasions will best pmit, & yt such othr liberties & priviledges might be granted ym, as ye Cort should thinke meete for yir bettr incuragemt & furthrance in so usefull implimt, wch request of theires, being heard & considred of, is granted, & do ordr as followeth:—

Inp. 1. We do ordr yt Sergent Maior Genrall John Endecot, Capt Ro: Bridges, Mr Willi: Hathorne, Mr Willi: Clarke, Ensigne Willi: Dixie, Sergent Thom: Lathrop, & such othrs as they shall from time to time take into yir company, shalbe called ye Millitary Company of Salem & Linn.

2. They, or ye greater numbr of ym, shall have librty to choose yir capt, leift, & all othr officrs, yir capt, leift, & ensigne to be alway such as ye next Cort for ye same sheire shall allow of.

3. They have librty & powr to make ordrs amongst ymselues for ye bettr managg of yir millitary affaires, not repugnant to ye laws of ye iurisdiction, wch ordrs are of force aftr ye due publishing of ym to ye aforesaid millitary company, & they may appoint an officr to levy any fines or forfeitures, wch they shall impose upon any of yir owne company, for ye breach of any such ordr, so as ye same exceede not 20shs for any one offence.

4. That ye said millitary company shall have librty to assemble ymselues for yir millitary exercises in eithr of ye townes of Salem or Linn as often as they please.

1645.

14 May. Mil. comp. of Ipswch, &c.

Whereas Mr Symon Bradstreete, Capt Dani: Dennison, Leift Edmond Greenleife, Ensigne John Whittingham, Srgent John Remington, wth divrs othr gentlem of Ipswich, Newberry, Rowly, Salsberry, & Hampton, out of yir care for ye safety of ye publike weale, by ye advancmt of ye millitary art & exercise of armes, have desired of ye Cort to ioyne ymselues in one company, & to have liberty to exercise ymselues at such times as yir occasions will best pmit, & yt such othr libties & priviledges might be granted ym as ye Cort should think meete, for yir better incuragemt & furtherance in so usefull implimt, wch request of theirs, being considred of, is granted as followeth: —

1. Inp. Wee do ordr yt Mr Symon Bradstreete, Capt Denison, Leift Greenleife, & ye above named gent, & such othrs as they shall from time to time take into yir company, shalbe called ye Millitary Company of Ipswich, Neweberry, & Rowley, &c.

2. That they, or ye greatr number of ym, shall have liberty to choose yir capt, leift, & all othr officrs; yir capt, leift, & ensignes to be alwayes such as ye next Cort for ye same sheire shall allow of.

3. That they have liberty & powr to make ordrs amongst ymselues for ye better managing of yir millitary affaires, not repugnant to ye lawes of ys iurisdiction, wch ordrs shalbe of force after ye due publishing of ym to ye aforesaid millitary company; & they may appoint an officr to levy any fines or forfeitures wch they shall impose upon any of their owne company for ye breach of any such order, so as ye same exceede not 20shs for any one offence.

4. That ye said millitary company shall have librty to assemble ymselues for yir millitary exercises in eithr of ye townes of Ipswich, Neweberry, or Rowley as often as they please.

[*87.]

*Whereas divrs gent & othrs of ye countye of Middlesex, out of ye care of ye publike weale & safety, by ye advancmt of ye millitary art & exrcise of armes, have desired of ye Cort to ioyne ymselues in one company, & to have librty to exrcise ymselues, at such times as yir occasions will best pmit, & yt such othr liberties & priviledges might be granted ym as ye Cort shall thinke meete, for yir better incuragment & furthrance in so usefull implimt, wch request of theirs, being heard & considred of, is granted ym, & do ordr as followeth: —

Mil. comp. of Midlesex.

Inpr. 1. We do ordr yt Capt George Cooke, Leift Mason, Leift Johnson, & such other as are already ioyned wth ym, & such as they shall from time to time take into yir company, shalbe called ye Millitary Company of Middlesex.

2. That they, or ye greatr numbr of ym, shall have liberty to choose yir capt, leift, & all othr officrs, yir capt, leift, & ensigne to be alway such as ye next Cort for ye same sheire shall allowe of.

1645. 14 May. 3. They have libᵗty & powᵗ to make ordᵗs amongst yᵐselves for yᵉ best managing of their millitary affaires, not repugnant to yᵉ lawes of yˢ iurisdiction, wᶜʰ ordᵗs shalbe of force after due publication yᵗof to yᵉ aforesaid millitary company, & they may appoint an officᵗ to levy any fines or forfeitures wᶜʰ they shall impose upon any of yⁱʳ owne company for yᵉ breach of any such ordᵗ, so as the same exceed not 20ˢ for any one offence.

4. That yᵉ said millitary company shall have liberty to assemble yᵐselues for yⁱʳ millitary exercises in any towne by yᵐ ordᵗed to be assembled in yᵉ county of Middlesex at yⁱʳ pleasure, ꝑvided yⁱʳ dayes of exᵗcise be not at such times as may hindᵗ yᵉ millitary assembly of Suffolke.

Pomhome & Sacononocho complaining to us yᵗ many Indians, dwelling 20 miles beyond yᵐ, (being freinds & helpers to yᵉ Narragansets in yⁱʳ ꝑsent wars wᵗʰ Uncas,) are come upon yⁱʳ land, & have planted upon yᵉ same against yⁱʳ wills, they not being able to remove yᵐ, & yᵗfore desire oᵗ counsell & help, we yᵗfore advize yᵐ to send a messenger to yᵉ sachim of those intrudᵗs to come to us to give an account of such his intrusion: if he refuse to come, yⁿ wee would have oᵗ messengᵗ charge yᵐ to depᵗ froᵐ Pomhome & Sacanonocho yⁱʳ lands, wᶜʰ also if they refuse, yⁿ we shall account yᵐ as enemies.

A rate.

Hingham,	015	00	00	Linn,	ȝ025 00 00
Waymoth,	010	10	00	Ipswich,	ȝ061 10 00
Braintree,	010	10	00	Newberry,	ȝ023 00 00
Dorchestᵗ,	043	17	06	Salsberry,	ȝ010 00 00
Roxberry,	037	10	00	Hampton,	ȝ010 00 00
Boston,	100	00	00	Rowley,	ȝ015 00 00
Dedham,	020	00	00	Sudberry,	ȝ011 05 00
Concord,	015	00	00	Meadford,	ȝ007 00 00
Watertowne,	041	05	00	Woobourne,	ȝ007 00 00
Cambridge,	045	00	00	Wennam,	ȝ003 10 00
Charlstowne,	055	00	00	Glocester,	ȝ004 17 06
Salem,	045	00	00		178 02 06
	438	12	06		438 12 06
					616 15 00

This levy of 616. 15, each townes ꝑportion is as above exꝑssed: its determined yᵗ each towne should pay yᵉ one halfe of their rate to yᵉ Treasurer wᵗʰin 3 m̊, in cattle, to be valewed by 3 men indiffᵗently chosen by yᵉ Treasurer & owner yᵗof, in beaver, mony, wheate at 4ˢ, barley at 4shˢ, rye 3ˢ 6ᵈ, pease $3\frac{1}{2}$ˢ, Indian corne 2. 8ᵈ ꝑ ƀle, & yᵉ othᵗ halfe at or before yᵉ last of yᵉ first m̊ next.

1645.

Upon weighty reasons moveing, it is ordred, yt Mrs Chamberlin, widowe, sister to Mr Israell Stoughton, (lately a worthy member of ys comon weale,) shalbe alowed out of Mr Androws gift eithr a cowe or five pounds. 14 May.

Upon sight & considration of a lettr from Mr Browne, of Bristoll, concerning ye great losse wch himselfe & some othr of or friends have sustained, by ye losse of ye ship taken by Capt Stagge in or harbor, & yir desire, wthall, yt ys Cort would please to petition ye Parliamt for yir releife, it is ordred, yt such a petition or lettr should be sent, wherein ye true state of ye case may be expssed, ye rathr because some false testimonies given in ye admiralty were some cause (as is reported) of ye iudgmt given against ye said ship. Mr Browne ship. About ye Bristow ship.

In answere to Mr Russells petition, yr appearing diversity of information about ye ship Gilbert, (shee *being absent,) wee not being able to heare & determine ye diffrnce thereabouts, it is ordred, yt ye mrchants, wch tooke ye said ship in reprisall, be speedily called, & caused to give in sufficient security to be responsall therefore in case, &c, & yt ye security be psented before any furthr pceeding, sufficient security being given in. 597–[*88.]

We iudge yt Maior Gibons should pay to Mr Robrt Saltonstall & ex compa out of ye pceeds of ye mrchants goods, brought in ye ship Gilbrt, ye sume of 263li 05shs, wch is paid for ye seamens wages; pvided, Mr Valentine Hill ioyne in sealing ye thousand pound bond wth ye rest. Da: 4th 5th mh.

Josua Hubberd, for his sevrall miscarriages, is fined . .	y020 00 00
Edmond Hubberd, for his miscarriage, is fined	y005 00 00
Thom: Hubberd, for his miscarriage, is fined	y002 00 00
Edmond Gold, for his miscarriage, is fined	y001 00 00
John Foulsham, for his miscarriage, is fined	y005 00 00
Daniell Cushan, for his miscarriage, is fined	y002 10 00
William Hearsy, for his miscarriage, is fined	y004 00 00
Mr Bozoon Allen, for his miscarriage, is fined	y005 00 00
Mr Peter Hubberd, for his miscarriage, is fined . . .	y002 00 00
	y046 10 00

John Towrs sensure, for his delinquency, is, yt hee should beare his imprisonmt, pvided he beare no othr censure, eithr as petitionr or othrwise. Hingham busines.

The other 73 petitionrs are ordred to pay 53li 10shs by an equall rate by ye pole toward ye payment of ye charge of ye Cort; & ye said fines & sums are ordred to be paid wthin three months. 4th 5th mh.

Leift Eames was adiudged to beare his owne charge, & have an admonition for laying downe his place wthout consent of authority, & other failings.

1645.

This undrwritten was agreed on to be openly read to ye whole assembly.

14 May. Goũ Winthrop clearing.

The Genrall Cort, haveing very largly hard & debated a complaint brought agt John Winthrope, Esq, Deputy Govrnr, by crteine psons of Hingham, do iudge yt ye Deputy Govrnr is legally acquited of those things yt have bene complained of, or layd to his charge, & have therefore, & for their othr offences, punished ye said complainants by sevrall fines to be paid ye country ye sume of 46. 10s, & for charges of ye Genrall Cort, 53. 10s, & for ye Deputy Govrner his clearing wee desire ye country will hereby take notice.

Leift Tory is appointed to take care of ye company of Hingham, to traine & exercise ye traine band there, till ye Cort take furthr order.

Births to be recorded.

Henry Rust is appointed for ye recording of births, burialls, &c, in Hingham, in ye roome of Mr Peck.

Mrs Glovrs farme.

We, whose names are undrwritten, have layd out Mrs Glovrs farme as followeth, viz: Sudberry line is ye northeast bounds; ye northwest bounds yrof is ye great ryver; ye southeast bounds ye river yt issueth out of ye great pond at Cochituate; ye southeast bounds from ye place where ye little ryver runs out of ye great pond till you come to ye northeast end of ye said pond, & so to ye northwest end of the little pond, & from thence to ye northeast end of ye said little pond, & from thence to ye neerest place of Sudbury line, according unto ye marked trees. Witness hereunto ys 7th of ye 10th mo, 1644.

THOMAS MAYHEWE,
PETER NOYES,
EDMOND RISE.

Mr Dunstr farme.

We, whose names are undrwritten, haveing layd out Mr Dunstrs farme as followeth, viz: Ye land lying between ye ponds, contiguous to Mrs Glovrs farme abovesaid, being ye southerne bounds of ys farme, & runing on wth ye great pond from ye southestrne bounds, unto ye place where it is foardable. Sudberry line for ye northwesterne bounds, & for ye northerne & northestrne bounds ye meadows to ye quantity of fifety sixe acres, (if yr be so much,) abbutting on whethr side soevr, a little creeke yt runeth into ye great pond, near to ye foresaid foard, & a straight line drawne from ye said creek to Sudbury line, wr it is nearest.

PETER NOYSE,
EDMOND RISE.

[*89.] About Mr Na: Eaton.

*The Cort is willing yt when ye councell of ye comon wealth shall have taken an account of ye comittee about Mr Eatons estate, yt yn they take care for ye sending of a lettr to Virginia accordingly.

1645.

It is ordered, y^t y^e next Co^rt at Boston may heare & iudge y^e cause between Capt̃ James Smyth, M^r David Sellick, Isaack Grosse, & Thomas Kæzar.

14 May. Ca: Smyth. Jn^o Coggeshall.

John Cogswell is granted to be forborne untill y^e last day of y^e first m̃, 1646; & y^e petition^r is required not to faile to give y^e Treasurer satisfaction for y^e debt by y^e day p̄fixt.

It is ord^red, y^t if M^r Allerton can p̄ve y^t hee deliv^red goods to y^e y^n Gov^rn^r, or any oth^r appointed by authority to receive y^m, to y^e valewe of 179. 12^s, for y^e use of y^e country, & will take his oath y^t y^r is yet due to him 49. 12^s, to ballance his account, that it be paid out of y^e country. M^r Alerton.

M^r Glover, Leift̃ Atherton, Edward Goffe, & Edward Oakes are a com̃ittee appointed to lay out y^e way through Roxberry lots to Boston farmes, & to iudge what is meete satisfaction to y^e p̄riet^rs for y^e way; & y^t they have power to impose an equall p̃t upon all such of Boston or oth^r townes as shall have benefit of such way. A highway thrō Roxbury lotts.

Samu: Philips, for maintenance, is referred to y^e next Q^rter Co^rt, to be answered as shalbe thought most meete. Sa: Philips.

Whereas this Co^rt is informed y^t y^r is no drum̃e w^thin y^e towne of Salem, w^rby y^e inhabitants y^rof have no meanes of giveing warning one to anoth^r, or to oth^r townes or farmes by any alarum, upon y^e approach of an enemy, y^e defect whereof may endang^r the lives & estates of such as dwell there, as also be very p̄iudiciall to y^e whole com̃on wealth,—this Co^rt, therefore, takeing y^e p̄mises into consid^ration, doth hereby order, y^t y^e said towne of Salem shall p̄vide two good drum̃s, to be always ready upon occasion for y^e towne & band, to be p̄cured w^thin three weekes, upon y^e pœnalty of five pound. Dated the 3^th 5^th m̃. Salem.

To y^e Cunstables of Boston.

Yo^u are by vertue hereof required, at or before y^e 7^th of y^s instant m̃ of July, to send downe 4 sufficient men, w^th sufficient armes, viz^t, musket, swords, rests, & bandilers, to y^e Castle Iland, y^r to remaine, und^r y^e command of Capt̃ Rich: Davenport, as p̃t of yo^r p̃t of y^e garrison, w^ch belongs to yo^r towne to have, yo^r oth^r p̃t of souldiers like furnished, ready w^thin 24 houres after yo^u receive notice fro^m y^e said Capt̃ Davenport of his being ready & willing to receive y^m; yo^u are to see y^t this warrant be discharged & fulfilled, und^r y^e pœnalty of 5^t for ev^ry defect yo^u shall make herein, to be levyed on yo^r p̄sonall estates by y^e marshall, w^thin 24 houres after any defect made by yo^u in any of y^e p̄mises; also, you are required, by y^e first of August next, to levy on yo^r towne 14^t, as p̃t of yo^r rate, & to pay y^e same to Capt̃ Rich^rd Davenport, in wheate, or such other pay as y^e Co^rt shall ord^r y^e levy to be Ord^r as to y^e Castle supply.

1645. paid in, & at y^{t} price, here not to faile; y^{s} to be y^{e} forme of y^{e} warrant y^{t} shall issue out of y^{s} Co^{r}t to y^{e} sev^{r}all townes; Charlstowne, Dorchest^{r}, & Cambridge to send for p̄sent 2 men a peece, & pay 9^{t} a peece; Roxberry to pay 9^{t}, & 100 b̄ls of corne, & no men.

14 May.

M^{r} Endecott to have 100^{li}.

It is ord^{r}ed, y^{t} Maior John Endecot hath alowed him for his last yeares service as Gov^{r}n^{r}, & whereas hee hath already received a p̄t of y^{e} said 100^{t}, it is furth^{r} granted, y^{t} in case y^{e} said maior gen^{r}all shall put in band to y^{s} Co^{r}t for y^{e} repaym^{t} of so much mony as he hath already received in p̄t of y^{e} said sum̄e, (into y^{e} treasury,) wthin two years fro^{m} y^{e} day of y^{e} date hereof, y^{t} y^{n} y^{s} Co^{r}t doth hereby grant unto y^{e} said maior gen^{r}all y^{e} sum of 100^{t}, to be paid to him or to his assignes out of y^{e} treasury.

[*90.] 597–

Maior Gibons his com̄ission.

*Whereas yo^{u}, Sergent Maior Gibons, are cheife millitary offic^{r} of y^{e} traine band of y^{e} towne of Boston, yo^{u} are by y^{s} Co^{r}t required & authorished to see y^{e} peace to be kept, both in y^{e} said towne & harbo^{r}, fro^{m} all hostile & mutinos attempts or insurrections, & for y^{s} end y^{r} is hereby com̄itted to yo^{r} charge all fortifications wthin y^{e} said towne, wth all y^{e} ordinance & am̄unition to y^{e} same belonging, & yo^{u} shall have alwayes in readines one barrell of powder for ev^{r}y 6 peeces of ordinance, wth 12 shot & 5 pound of match; if any ships wthin y^{e} harbo^{r} shall quarrell & shoote one at anoth^{r}, w^{r}by y^{e} people or houses may be endangered, yo^{u} shall use yo^{r} best endeavo^{r} & power to stay & supprese attempts, & to bring such ship or ships und^{r} com̄aund, & to be in peace, untill y^{e} magistrates may assemble, whose furth^{r} ord^{r} & direction yo^{u} are to observe; & yo^{u} shall take order to have alway some souldiers listed, to be in a readines for any service yo^{u} shall have occasion to imply y^{m} in, by vertue of y^{s} com̄isson, & yo^{u} are to give notice of y^{e} tenure of y^{s} com̄ission to all ships ariveing in y^{e} harbo^{r} fro^{m} forraine parts wthin 24 houres after their comeing to anchor; upon any necessary occasion of yo^{r} absence yo^{u} shall leave yo^{r} leift̄, or next cheife officer, to take care of yo^{r} charge; y^{s} com̄ission to continue dureing y^{e} pleasure of y^{e} Co^{r}t.

Ma: Sedgwicke his com̄.

The like com̄ission is granted to Sergent Maior Sedgwicke, in Charlestowne.

It is ordered, y^{t} Braintree shalbe abated out of their next levy, for their deputies lodgings, 10sh^{s}.

It is ord^{r}ed, y^{t} y^{e} Treasurer should pay Goodwife Hackburne for paines shee hath tooke y^{s} & y^{e} last Co^{r}t, 20sh^{s}.

It is ord^{r}ed, y^{t} y^{e} Treasurer should pay 13$\frac{1s}{3}$ to y^{e} wife of Rich^{r}d Sherman, as a gratuity for her care & paines y^{s} Co^{r}t about o^{r} dyet, and a noble to y^{e} oth^{r} helpers in the house.

1645.

The Co^rt hath appointed James Penn to take account of w^t is due to y^e country for y^e beaver trade, & for y^e 4. 6^d for ev^ry action tried, & to gath^r up such fines as any ꝑson hath bene fined at ; to help to save y^e countryes charge, Leift̃ Willard can direct about y^e beav^r trade.

14 May. Y^e due for y^e beav^r trade.

It is ord^red, y^t lett^rs should be forthwith written & sent to y^e commission^rs of y^e United Colonies, to desire y^ir speedy meeting here at Boston, to conferr of such weighty matt^rs as are thought meete by y^s Co^rt to be ꝑsented to y^m, whereby y^ir determinations y^rabout may be ꝑsented to y^e Co^rt.

Com̃iss^rs of col. speciall meetig.

It is ordered, y^t Rich^rd Sherman should be alowed 19^s for lodging 3 of y^e deputies & y^e Gov^rn^rs men, & widow Web 5½^s for lodg^g one deputy.

It is ord^red, y^t a lett^r should be writ to y^e Narragansets to desist from warr upon Uncas.

It was ord^red, y^t a letter should be writ to Benedick Arnold to do his messuage to y^e sagamore of y^e intrud^rs, & to require him to come to us, or depart fro^m y^e lands of Pomhome & Sacanonocho.

An Ord^r about y^e Choyce of Serieant Maiors, & y^ir Charge, y^e Clarks of y^e Bands, w^th y^ir Charge, & Oath, & Millitary Watches. 598–

It is thought convenient, in regard y^r is a vacancy of y^e office of sergent maiors of regim^ts at y^s time, y^t upon y^e 16^th day of y^e 5^th m̃, being y^e 4^th day of y^e weeke, y^e traine souldirs of ev^ry town in each sheire w^thin y^s patent shall meete togeth^r & nominate such a man or men as they shall iudge fit for y^e office of s^rgent maior of y^t regim^t, & y^t not onely freemen, but all y^t have taken y^e oath of fidelity, or shall take it before y^e election, (except servants or unsetled ꝑsons,) may have lib^rty of y^ir votes ; & because many townes find it a great burthen to y^m, w^r they have no ma^trate neare, to carry so many of y^ir inhabitants so farr to take their oathes, it is ord^red, y^t power is hereby given to y^e capt̃, or in y^e defect y^rof to y^e next cheife offic^r of y^e company in all townes, to administ^r y^e said oath of fidelity to such souldiers as are willing to take y^e same, before they give in y^ir votes, & such as do take their oathes to be certified to y^e next Co^rt of y^t *countye, to be recorded, w^ch votes of y^e whole company shalbe sealed up & deliv^red to one or both y^e deputies of y^e said towne, or any oth^r freeman y^t y^e towne shall appoint, & they to carry y^m to the sheire towne of each countrye, upon y^e 23^th day of y^s 5^th m̃, by ten a clock in y^e forenoone, & y^r, before one or two of y^e ma^trats of y^e said towne, to open y^e ꝑxies w^th y^e said deputies or freemen, & hee y^t shall have y^e greater number of votes, being a freeman, to be ꝑsented, by one of y^e ma^trats of each sheire towne, to y^e sergent maior gen^rall, w^thin one weeke at y^e most after y^e election, who shall instaull, confirme, & establish each serieant maior in his place for one yeare, &

Choyce of sergeant maiors.

M^r Pelham contradicens.

[*91.]

1645. 14 May. they to retaine y^ir^ place & pow^r^ till a new election be made by ord^r^ of y^e^ Gen^r^all Co^r^t. And to avoyde y^e^ vacancy of a place so necessary, for time to come, if any leave y^ir^ places, or be removed out of y^m^, y^e^ serieant maior gen^r^all for y^e^ time being shall, w^th^in one month, at y^e^ furthest, aft^r^ such a change, send downe his warrants to each towne in the same sheire, to make choyce of one or more maiors, according to y^e^ forme above mentioned.

Serieant maiors.

And y^t^ ev^r^y serieant maior hath not onely liberty, but also is enioyned, once ev^r^y yeare at least, & oftner upon any needfull occasion or comaund from y^e^ maior gen^r^all, to drawe fourth his regim^t^ into one convenient place, & y^r^ to put ev^r^y capt & offic^r^s of y^e^ companies in y^ir^ places, & to instruct y^m^ in y^ir^ duties, according to y^e^ rules of millitary discipline, & to ex^r^cise his regim^t^, wheth^r^ it shall consist of horse, pikes, or musketers, according to his best skill & abilities, as if he were to leade y^m^ forth against an enemy.

Farther, y^t^ ev^r^y serieant maior not onely hath pow^r^, but is enioyned by y^s^ Co^r^t, twice ev^r^y yeare to send forth his warrants or sumons, to require y^e^ cheife offic^r^s of each company in his regim^t^ to meete at such time & place as hee shall appoint, & y^r^ w^th^ y^m^ to conferr & give in comaund such ord^r^s as shall by y^m^ be iudged meete, for y^ir^ better ordering & settleing of y^e^ ptticuler companies in millitary exercises, & y^t^ these offic^r^s of such ptticuler companies shall bring w^th^ y^m^ a note, fro^m^ y^e^ roales of y^ir^ sev^r^all clarks, of y^e^ names of such in y^ir^ sev^r^all companies as remaine delinquents, & have not given satisfaction before to y^e^ capt, or cheife offic^rs^ of their companies, for all defects, eith^r^ in y^ir^ armes, amunition, appearances, watches, offences, or y^e^ like, & y^t^ y^e^ said maior, w^th^ y^e^ consent of those officers then met togeth^r^, shall inflict such fines or pœnalties, according to lawe upon delinquents, as shalbe iudged equall, & to give order to y^e^ clarkes of y^e^ sev^r^all bands to take distres for y^e^ same w^th^in one month after such order, if before they give not satisfaction.

Clarkes of bands.

And because wee observe many defects in makeing appearance in fit armes for service, & otherwise, we ord^r^ y^t^ y^s^ Co^r^t shall cause to be inserted into ev^r^y clarkes oath, —

1. First, y^t^ upon ev^r^y training day twice, once in y^e^ forenoone, as also in y^e^ afternoone, if y^e^ capt require it, at such time as y^e^ capt or cheife offic^r^ y^t^ is y^r^ in y^e^ feild shall appoint y^e^ call, or cause to be called over y^e^ list of y^e^ names of all y^e^ souldiers, & y^t^ he shall give his attendance in y^e^ feild all y^e^ day, (except he have speciall leave from his capt, or cheife offic^r^,) for ye takeing notice of any defect in y^e^ absence of souldiers, offences, &c, y^t^ doth often fall out in y^e^ times of ex^r^cise, as well as in y^e^ calling ov^r^ y^e^ rowle.

2. That twice ev^r^y yeare, at least, he shall veiwe all y^e^ armes & ammunition of y^e^ band, to see if they be all accord^g^ to law, w^ch^ we conceive will best be

accomplished after y^s^ mann^r^: y^t^ y^e^ clark *shall signify seasonably to y^e^ capt̃, or cheife offic^r^ of y^e^ band, and they to give notice to y^e^ souldiers y^tt^ upon such a training day, appointed, they be required to bring in y^e^ forenoone all y^ir^ armes & am̃unition into y^e^ feild y^t^ is required by law, w^r^ they shalbe app̃ved or disallowed by y^e^ iudgm^t^ of y^e^ said cheife offic^r^s, y^n^ in y^e^ feild w^th^ y^e^ clarke, who have com̃only more experience in y^e^ fitnes of arms y^n^ y^e^ clarke hath, & to see y^t^ ev^r^y souldier have one pound of powder, 20 bullets, & 2 fathome of match, w^th^ musket, sword, bandilers, & rest, upon y^e^ pœnalty of 10^s^ for ev^r^y defect, & to levy 5^s^ forfeit upon all souldiers y^t^ shalbe absent from training, or defects in watching & warding, except they be discharged by y^e^ cheife offic^r^s of y^e^ company, & y^t^ y^e^ clarke, as often as hee shall see occasion or doubt, is hereby enioyned to use all diligence to veiwe ev^r^y ones armes, wheth^r^ they be compleatly furnished w^th^ all arms & am̃unition y^e^ law requires.

1645.

14 May.
[*92.]

3. That all inhabitants, as well seamen as oth^r^s, are to have armes in their houses fit for service, w^th^ powder, bullets, match, as oth^r^ souldiers, & y^t^ fish-ermen, shipcarpenters, (the deacons are hereby exempted fro^m^ watches & wards,) & others, not exempted by lawe, shall watch or p̃vide a sufficient man in their roome, & to traine twice a year, according to y^e^ order. The clarke.

4. That y^e^ millitary offic^r^s of each company shall appoint what arms ev^r^y souldier shall serve w^th^, so y^t^ y^r^ may be two thirds muskets, & y^t^ those w^ch^ serve w^th^ pikes should have their costlets & head peeces.

5. That y^e^ clarke shall, w^th^in one weeke after every traineing day, truely p̃sent a list of y^e^ names of all y^t^ are delinquents, & of y^e^ defects of y^e^ band, to y^e^ capt̃ or cheife offic^r^ of y^e^ company, y^t^ he may have y^m^ all in a readines to carry w^th^ him (when y^e^ maior of y^e^ regiment shall appoint his meeting) w^ch^ have not before given satisfaction at home, according to lawe; & y^e^ order that gives pow^r^ to y^e^ magistrate to release upon none appearance is hereby repealed.

6. That y^e^ clarke shall (w^th^out all partiality) demand & receive all fines, w^ch^ if any shall refuse to pay, y^n^ he shall make distres upon y^e^ goods of all such p̃sons as shall first, by y^e^ cheife officers of y^ir^ owne company at home, (or by y^e^ maior & cheife offic^r^s met together, as before mentioned,) be iudged delinquents, & y^t^ y^e^ clarke, w^th^ y^e^ advice of y^e^ cheife offic^r^s of y^ir^ owne company, shall speedily lay out all fines received, eith^r^ in ensigne, drum, holberds, candle, or wood for their co^r^t of guard, or to p̃vide powder or armes for y^e^ porer sort, or oth^r^wise for y^e^ best use of y^e^ company, p̃vided y^t^ no clarke of y^e^ band shalbe chargable to y^e^ execution of any former order, by vertue of his said office, other y^n^ such as are com̃itted to his care & charge by this p̃sent order.

7. Lastly, if any clarke of a band being chosen, & accepts y^e^ place, & yet

1645. afterward shall refuse to take his oath, shall pay 40^{s}, & y^{n} y^{e} company shall choose anoth^{r}; & all that refuse y^{e} oath, as before, to pay 40^{s} a peece, till one doth hold; & hee y^{t} doth accept y^{e} place shall have a fourth part of y^{e} fines for his labo^{r}; & y^{e} ord^{r} y^{t} granted a third part is hereby repealed.

14 May.

The Oath of y^{e} Clarke.

Yo^{u} shall truely sweare to ꝑforme y^{e} office of a clarke of a traine band to y^{e} utt^{r}most of yo^{r} ability or endevo^{r}, according to y^{e} p̃ticul^{r}s specified in y^{s} order. So help yo^{u} God.

[*93.] *For y^{e} Charge for y^{e} Millitary Watch in all Townes.

1. Inpr: It is ord^{r}ed, y^{t} y^{e} watch shalbe set & have their charge by y^{e} direction of y^{e} cheife offic^{r}s of y^{t} place halfe an hour after sunn setting.

Watches. 2. That y^{e} watch, being set out, (w^{ch} wee thinke should stand double, a pike & a musketere togeth^{r},) shall examine all ꝑsons that they shall meete wthall wthin y^{e} compas of y^{ir} watch or round; & all such as they shall suspect, to carry to y^{e} co^{r}t of guard till y^{e} morning, & before they be dismised, to carry them to their cheife officers, to be examined.

Military watches. 3. If y^{e} sentinell or watch shall meete wth such as shall ꝑve too strong for y^{m}, or by y^{ir} carriage shall give iust cause of suspition, or will not submit to their com̃aund, or if they shall eith^{r} drawe upon y^{m}, or offer any such affronts, in words or actions, as shall put y^{m} in feare, or in hazard of their lives, they shall charge their pike & discharge their musket upon y^{m}, & returne wth speede to their co^{r}t of guard, & raise an alarum, ꝑvided alway y^{t} in times of peace, w^{n} y^{e} councell of warr, or y^{e} cheife millitary offic^{r}s of any company, shall not apꝑhend danger by y^{e} neernes of an enemy, it shall not be in y^{e} liberty of any sentinell to hazard y^{e} kiling of any ꝑson or ꝑsons, except in his owne necessary defence; but if the case require it, he shall raise an alarum, or retire to the co^{r}t of guard.

Pasca. In regard there are no magistrates at Pascataque, com̃ission is granted by this Courte to Capt̃ Wiggen and the other associates there to see to the ꝑservation of the peace; & any two of them to heare & determine small causes of civill nature not exceeding 5^{t}, & such criminall offences as the law hath appointed c^{r}teine pœnulties for, either by whipinge, stocks, or fines not exceeding 20^{s}, reserving liberty for appeales.

A passe was granted to 7 of Mounsir Latores men, La Fortune, Columbie, St. Aubin, La Violle, La Rose, La Garenne, La Violle Suisse; & these 7 shalbe alowed 7^{t} in ꝓvisions, on the country charge.

The order against drinking one to another is hereby repealed. 1645.

The Co^rt is adiourned till the first 4^th^ day of the 8^th^ month, unlese y^e Governor see cause to call the Co^rt sooner. 14 May.

*To the R^t Hono^rable the Lords & Comons of the high Co^rt of Parliament in the kingdome of England. [*94.]

The humble Petition of the Co^rt of the Massachusets in Newe England.

Humbly sheweth, that whereas a ship of Bristoll, called the Mary, being peaceably trading in our harbour, was surprized by Captaine Stagge, without our licence or privity, and whereas, being called to account for the same, hée shewed us a comission from the authority of this high Court to take any ships belonging to Bristoll, &c, by occasion whereof (out of our due respect to this hono^rable Court) wee thought not fit to contend with him, but onely permitted him to carry away the said shipp; but so it is that the m^rchants, M^r Hugh Browne & M^r Philip Jackson, two of them being men, as wee are informed, well affected to the king and Parliament, are hereby much weakened, and both themselues and divers others are also discouraged from sending any further supply unto us, whereby wee are like to be much distressed for want of such necessary comodities as they were wont for many yeares to send to us, —

May it therefore please this high Court this cause into their serious consideration, and so to tender the great losse of the said marchants, and the interruption of our trade, by this meanes, as it may be declared by some act of the same, that no such attempt may be made hereafter upon any shipps in our harbo^rs, or of any of o^r confederats in Newe England, and that such incouragement may be given to the marchants of the cittye of London, or other places, for suppliing of us in due time, as to the wisdome of this high Co^rt shall seeme expedient.

At a Session of the Gen^rall Co^rt, the 12^th^ of the 6^th^ M^o, 1645. [*95.]

12 August.

It was ordered, that there should be a millitary watch in all the townes, & that warrants be issued out from this Co^rt to all millitary offic^rs for that end forthwith.

Forasmuch as this Co^rt, upon good grounds, conceive it a matter of great concernment to secure (what in them lyes) all townes w^th^in this colony against the expected incursions of y^e Indians, —

It is therefore ordered, that the cheife millitary officers of every company shall w^th^ all diligence take care that there be a dayly ward kept upon the out

1645. skirts of their sev^rall townes that lye within their severall charges, & that they
12 August. send out carefull & dayly skouts for the rainging of the woods upon the borders of their sev^rall townes, the charge to be given to the said ward, or scouts, & y^e manageing of this busines be left to the faithfulnes of the said cheife millitary officers to presse such & so many horses within the limits of their charges, as they shall see necessary, for the carefull discharge of this dayly service; this to stand in force till the Co^rt or the standing councell shall take further order; also that care be taken to p̄serve the farmes.

This Co^rt takeing into consideration the dayly exercise, w^ch the severall townes within this colony are like to have by reason of the p̄sent warr with the Indians, & accounting it to be within the care of this Co^rt to p̄vide for the safetye of ev^ry part aswell as the whole, it is therefore ordered, & hereby power is given to the cheife comanders of every company, to appoint out & to make choyce of thirtye souldiers of their companies in y^e hundred, who shalbe ready, at halfe an houres warning, upon any service they shalbe put upon by their cheife millitary officers; and it is further ordered, that the traine soul-
Knapsacks & other neces. diers of ev^ry company shall forthwith p̄vide themselues to be ready w^th their armes ready fixed, & that they have powder, bullets, match, & bandilers alwayes ready, according to former order, as also y^t ev^ry souldier p̄vide himselfe a knapsack, to be in a readines (upon any service they shalbe called to) at or before the 25^th day of this p̄sent 6^th m̄; and if after y^e said p̄fixt time any such souldier shalbe wanting of a knapsack, y^t then the clarks of the bands w^thin their severall companyes have hereby power & are required to distraine to the valewe of 5sh^s upon the goods of all such as shalbe found to be defective herein, who shall, w^th part of the said fine, p̄vide the said delinquent a good knapsack, & the clarke shall have the rest for his paines.

In regard of the great danger y^t Concord, Sudberry, & Dedham wilbe exposed unto, being inland townes & but thinly peopled, it is ordered, that no man now inhabiting & settleed in any of the said townes (whether married or
[*96.] single) shall remove to any other towne without the *allowance of a magistrate, or other select men of that towne, untill it shall please God to settle peace againe, or some other way of safety to the said townes, whereupon this Co^rt, or the councell of the comon weale, shall set the inhabitants of the said townes at their former liberty.

The comission^rs of the United Colonies, haveing considered of Serieant Maior Edward Gibons as a p̄son fit to be implied in cheife comand over all such forces as are now to be sent forth from all the colonies in ayde of the Mohegen sachim, have thought fit to signify so much to yo^u, that if yo^u shall not advize us of any thing w^ch may be a iust impediment hereunto, wee

may ꝑceed to give him a full call to that servise; & wᵗʰall it is desired, that if yoʳ thoughts concurr wᵗʰ ours, yoᵘ will please to spare him from attendance upon the busines of this Coʳt, that he may ꝑpare himselfe to be ready for yᵉ impliment he is now to be called unto. Answered, the Coʳt knoweth no iust impediment against Maior Edward Gibons, & have dismissed him from the service of this Coʳt. 1645. 12 August.

The Coʳt, haveing considered (upon conference wᵗʰ Maior Gibons & others of good iudgment in these affaires) that Capt̃ Leveret is a fit person to have charge as a capt̃, under the com̄ander in cheife, over part of such forces as are to be sent out of this iurisdiction, —

The Coʳt conceive that Mʳ Loyall, the surgeon, lately come out of that impliment of the Earle of Manchester, in England, may be fit to be sent forth wᵗʰ oʳ ꝑsent forces, in that impliment.

It is ordered, that a presse should ꝑsently be sent out for to raise the souldiers, according to former advice.

Whereas some of those souldiers wᶜʰ have bene sent fourth already in the ꝑsent expedition, & others who are soone to be sent forth, have, themselues, or their masters, or parents, wᵗʰ whom they lived, some corne & hay to be cut downe & ꝑserved, wᶜʰ, by reason of their ꝑsent absence, wilbe in danger to be lost if care be not taken for the same, — Innge of corne & hay.

It is therefore ordered, that in every such case the cunstables of the towne (upon request made to him by the partye) shall ꝑcure so much help of men (if volentarily they may be had, or otherwise by impresse) as shall ꝑforme so much of such worke such souldier (if he had stayed at home) might have done in the ininge or ꝑserving such corne or hay, the party paying the ordinary wages for the same, for which this shalbe sufficient warrant.

It is ordered, that Leift̃ Humfrey Atherton, already sent forth wᵗʰ forty men in this expedition, as soone as he shall meete wᵗʰ oʳ forces that are to go out under Maior Gibons, shall have the sole com̄and of those 40 men, as their cheife *com̄ander, under the said Maior Gibons, who is commander in cheife of all yᵉ forces to be implied in this expedition by all the United Colonies. [*97.]

It is ordered, three horses should be pressed from Dorchestʳ, Braintre, & Waymoth, wᵗʰ sadles & bridles, to be at Boston to by 7 of the clocke in the morning the 18ᵗʰ of this 6ᵗʰ m̃, to go to the Narragansets.

It is conceived meete yᵗ there should be a day of humiliation throughout yᵉ severall plantations of this iurisdiction, the 28ᵗʰ ꝑsent, to humble oʳ soules before God for yᵉ many sinns yᵉ severall plantations & all yᵉ country stand guilty of, earnestly seeking a reconcilliation wᵗʰ him, & his blessᵍ on oʳ forces, sent & going out, also for oʳ native countryes troubles.

1645. It is ordered, that Leift Tory shalbe cheife millitary officer in Hingham, & act according as other millitary officers, till ye Cort shall take further order.

12 August. In regard yt the regiment of Suffolke will want a sericant maior, in ye absence of Maior Gibons, it is ordered by this Cort, yt Maior Borne shall have power to execute the said office in ye said regiment untill ye returne of Maior Gibons, or untill othr corse be taken by authority of this Corte.

A rate. It is voted, yt the levy that shalbe issued out of this Cort for this expedition shalbe the same yt was granted the last Cort, vizſ, 616. 15s, to be ꝑportioned as the former rate was, upon the severall townes, to be paid into the treasury, the one halfe thereof at the time of payment of the first halfe of the last rate, wch is in the 8th month next, & the other halfe of this rate, wth the other part of the last rate, in the begiñing of the first month next.

It is ordered, that a ioyner should be pressed to make a surgeons boxe for Mr Lisle, & the cunstable to ꝑvide ould linnen for the surgeons use.

Mr William Pelham is established capt̃, & Edmd Goodenow ensigne, of the company at Sudbury.

It is ordered, that Mr Edward Tinge & Mr Franc̃ Norton should be comisaries for the forces already sent, & to be sent, in this expedition, to make ꝑvision for them by presse or else.

A Warrant to the Surveyer Genrall.

Forthwth to ꝑvide a sufficient quantity of musket bullets, pistoll bullets, & swan shot, & match; & if he have not lead & moulds in store, yt then you take up so much leade, pis[tol] bullets, swan shot, & match, where you can [*98.] find the same, as may serve the occasion, giveing to the owners *severall tickets, whereby they may receive due satisfaction from the Treasurer, according to ye rates for wch such things are sould in the shops or warehouses in Boston, for which this shalbe yor sufficient warrant.

It was ordered, Richard Fairebanks should be paid by the debt of Mr Edward Tynge his byll of xt.

Various utensils for the army. A note of perticulers of what ꝑvision wilbe needfull for the ꝑsent expedition, for the supply of 200 men: Bread, tenn thousand; pease, three hogsheads; beife, six hogsheades, cut into messe peeces; fish, tenn kintalls; oyle, tenn gallons; vinegar, one hogsheade; strong water, one hogshead; wine, at yor pleasure; beare, one tunn; one hogshead of oatemeale; two hogsheads of flower; buttr, sixe firkins; raisings of the sunne, two barrells; shugar, ½ c. for sick men; candells, one dussen; hatchets & axes, twelue; canvis, fortye yards; spades & shovels, thirtye; pick axes, sixe; sixe kettels for boyling victuals;

platters, thirtye sixe; payles, tenn; canns or potts, twentye; salt, one hogs- 1645.
head; 200 fathom of cod line.

This Co^rt, haveing taken into consideration how the necessary affaires of 12 August.
this iurisdiction, whether they concerne this peculiarly, or have referrence to 599–
the rest of our confederated colonies, may be duely & spedily transacted in the vacancy of the Gen^rall Co^rt, (for the satisfaction of the comissio^rs in respect of the weighty & suddain occasions in hand,) doth expresse, that the Generall Co^rt ought to be called by the Governo^r, when the importance of the busines doth require it, & time & oportunity will safely admitt the same, and that all other necessary matters are to be ordered & dispatched by the maior part of the council of the common wealth; and therefore to that end letters, signifiing breifly the busines, & the time & place of meeting for consultation, ought to be sent unto the Assistants.

Also, that seaven of the said Assistants meeting, & the Governo^r or Deputy Governo^r being one, is a sufficient assembly to act, by pressing of soul- Y^e matrats assembling.
diers, or otherwise.

And, in case of extreame & urgent necessity, when endeavo^rs are reasonably used to call the Assistants, & the busines to be dispatcht will not admit delay, then the acts of so many as do assemble are to be accounted valid & sufficient.

It is intended, that the gen^rall words above written conteine in them power to presse & send forth souldiers, & presse all manner of victualls, vessells, carriages, & all other necessaries, & to send warrants *to the Treasurer [*99.]
to pay for them.

The Co^rt is adiourned to the first 4^th^ day of the 8^th^ month next.

At á Session of the Generall Court, the First of the 8^th^ Month, 1645. 1 October.

1. Inprimis, that the undertakers, their agents & assignes, are hereby grant- 600–
ed the sole priviledge & benefit of makeing iron, & managing of all iron mines & workes, that now are or shalbe discovered & found out, or hereafter shalbe in this iurisdiction, for the tearme of twenty-one yeares from the former graunt; provided, that the said adventurers, their agents or assignes, do, within three yeares fro^m the former date, use their best endeavo^rs to their utmost skill to perfect so many of the said workes that the inhabitants of this iurisdiction be furnished with barr iron of all sorts for their use, not exceeding twentye pounds per tunn; provided also, that it shalbe in the liberty of any within this iurisdiction to be adventurers with the undertakers, if, by the last day of this

1645. October, they bring in their adventures, not lesse, in one mans name, then fifty pounds, with alowance to the adventurers for the stock of one thousand pounds by them already disbursed.

1 October. Yᵉ iron worke.

2. Item: The Court doth hereby grant to the said undertakers, their agents and assignes, in all places of wasts, & lands not impropriated to any towne or person, that the said undertakers, their agents or assignes, at all times dureing the said tearme of 21 yeares, shall & may, freely, & at their own discretion, have & take all manner of wood & timber, to be converted into coales, or any other uses for the service of the undertakers, as also all manner of earth, stoanes, turfe, clay, & other materialls for buildings & reparations of any of their workes, forges, mills, or houses, built or to be built, or for making or moulding any manner of gunns, potts, & all other cast iron ware; & for converting woode into charcoale; & also to get, dig, & carry away, of all manner of stone, iron ore, & wood of all sorts, & any other materialls or things of use for their workes: & it is hereby also granted to the said undertakers, their agents or assignes, that they shall have free liberty to make all convenient wayes & passages, as also all manner of pooles, dams, water courses, sluce [*100.] *ponds for water, in all wast grounds, or other conveniences to, from, and for the service of the said workes, built or to be built, not impropriated to any towne or person, during such time as the said workes shall continue; provided, if, by any pond, sluce, watercourse, dam̃, or any other worke, (though in land unimpropriated,) they should spoyle, or any wayes preiudice, the land appropriated to any towne or person, the said undertakers shall make due and iust satisfaction.

Yᵉ iron worke.

3. Item: The Court doth hereby further grant to the said adventurers, their agents or assignes, in all the grounds that are or shall be appropriated, that the said adventurers, their agents or assignes, shall have free liberty at all times dureing the said tearme to digg, gett, carry away all manner of stone or iron oare, & to make & use all convenient wayes & watercourses, pooles, dam̃s, sluces, ponds for water, & other conveniences to, from, & for the service of the said works, through all the said grounds that are or hereafter shalbe impropriated, (except houses, orchards not exceeding three acres, and yards,) giving such due & full recompence for the same to the owners thereof, for the time being, as three indifferent men shall adiudg, whereof one to be appointed by the said Court at the next generall meeting after the undertakers, their agents or assignes, shall make or use any of the said wayes or watercourses, or other perticulers herein mentioned for the services aforesaid, & one other by the owner of the land for the time being, & the third by the undertakers or adventurers.

4. Item: The Court doth hereby further graunt unto the said adventurers, & to their heires & assignes forever, so much land now or here *after to be in this iurisdiction, as aforesaid, as shall containe in sixe places, three miles square in each place, or so much in quantity as containeth three miles square, not exceeding four miles in length, to be set out in such places & parcels as the said undertakers or their agents shall make choyc^e^ of, not being already impropriated, as aforesaid; upon which said land the said adventurers shall have free liberty, & hereby do undertake, that within the said tearme of ^ yeares, to search, sett, & find out convenient places within the said compas of land, for the building & seting up of six forges, or furnaces, & not bloomaries onely, or so many more as they shall have occasion for, for the making of iron, as aforesaid, which they shall (the iron stone & other materials ꝑving proper & fit for the makeing of iron, as aforesaid) build & set up w^th^in the tearme aforesaid; ꝑvided, that y^e^ Court may graunt a plantation in any place where y^e^ Co^r^t thinketh meete, the adventurers or their agents there residing haveing first notice thereof, & not making choyce of the same for part of the land to be set out & graunted to them, for the designe of planting the said iron works, & making iron, as aforesaid. 1645. 1 October. [*101.]

5. Item: It is graunted & ordered, that what quantity of iron, of all sorts & qualities, the said adventurers, their agents or assignes, shall make more then y^e^ inhabitants shall have neede, & use of, for their service, to be bought & paid for by the said inhabitants, as aforesaid, they shall have free liberty to transport the same by shiping to other parts or places of the world, & to make sale thereof in what way & place the said adventurers shall please, for their best advantage, ꝑvided they sell it not to any person or state in actuall hostility with us.

6. *Item: That it is graunted & ordered, that the said undertakers, their agents & servants, shall, from the date of these presents, for ever have & enioy all liberties & im̄unities whatsoever, ꝑsent or to come, equall with any within this iurisdiction, according to the lawes & orders thereof for the time being, & according to the rightes & priviledges of the churches. [*102.]

7. Item: It is also graunted, y^t^ y^e^ und^r^takers & adventurers, together with their agents, servants, & assignes, shalbe & are hereby free from all taxes, asseasments, contributions, & other publiq charges whatsoever, for so much of their stock, store, or goods as shalbe implied in & about the said iron workes, for & dureing the tearme of ^ yeares yet to come, fro^m^ y^e^ date of these ꝑsents.

8. Item: It is hereby granted & ordered, y^t^ all such clarks & workmen, as miners, founders, finers, ham̄ermen, & colliers, necessarily implied or to be

1645. implied in & about the said workes built or to be built, for any the services thereof, shall, from time to time, dureing the said tearme of ^ yeares, be, & hereby are, absolutely freed & discharged of & from all ordinary trainings, watchings, &c; but yt every pson at all times be furnished wth armes, powder, shott, &c, according to ordr of Cort.

1 October.

9. It is lastly ordered by ye Cort yt in all places where any iron worke is set up, remote from a church or congregation, unto wch they cannot conveniently come, yt ye undrtakrs wilbe pleased to pvide some good meanes wherby their families may be instructed in the knowledge of God, by such as the Cort or standing councell shall approve of.

[*103.] Comissionrs for lawes.

Whereas this Court, in a former session, chose & appointed severall honored members of this comon wealth as comissioners *in their severall sheires, to meete together in some convenient place within each sheire, to consult together, & to returne to this Cort a result of their thoughts, that this Corte may pceede thereupon to satisfy ye expectation of the country in establishing a body of lawes, this Court thinks it meete to desire the persons in ye order mentioned, at or before the 12th of November next, in their severall sheires, to meete togeather in Boston for Suffolke, in Cambridge for Middlesex, in Ipswich for Essex; & after their first meeting at the time & places above mentioned, by warrant from the Secretary to each comittee of each sheire, & then, as often as they please, to appoint their owne meetings for the accomplishment of the end so desired, & to make their returne of what they shall do herein to the next siting of ye Generall Court; in Capt Cookes roome, at his request, Mr Joseph Hill, of Charlstowne; in Mr Allens roome, Mr Knowles; & Mr Glover in Mr Prichards roome. They being out of the way, or shalbe suddenly, Mr Symonds is insteed of Mr Bellingham for Ipswich, because Mr Bellingham now resides at Boston; & Mr Bellingham to be for Boston, aded to ye former; & ye care of calling ye assembly to each place is in Mr Bellingham for Boston, Mr Pelham for Cambridge, & Mr Symonds *for Ipswich.

[*104.] Ye grant of a plantation by Pumhame.

The petition of Stephen Kingsly, John Garing, Francis Eliott, Thom: Flatman, Henry Adams, Thomas Adams, John Sheopard, Henry Adams, Iunior, Samu: Adams, John Adams, Christopher Adams, William Vaysey, Richrd Bracket, Christopher Webb, Edward Sparlden, Thomas Meakins, Nicho: Woode, Robert Quelues, Thom: Barret, Daniell Shode, William Ellice, Deodatus Curtis, Thomas Waterman, Nathaniell Herman, Humfry Grigs, John Hastings, George Aldridge, John Wheateley, Thomas Wilmet, Henry Madsley, John French, & Arthur Waring is granted wth free and full consent, & they being about twenty of the thirty two subscribers free men, the Cort doth thinke meet that so much land as they shall set out for their

towne, not exceeding the quantity of tenn thousand acres together, shalbe allotted to them, and that the maior part of the freemen that shall first build, & plant thereupon, so that the whole make up the number of seaven, shall have power to admit or keepe out whom they thinke good, & that the Genrall Cort should write letters to Benedict Arnold, to compound wth Pumhome at the easiest rate he can, for his right in any improved ground, & that the petitioners shall dispose of ye houses built upon ye said ground, wth this ꝓviso, that they shall pay to such as built them what the Cort shall hereafter appoint, if they see cause so to do; this is granted ꝓvided they go on, & ten families be there within this twelue monthes. 1645. 1 October.

*In the Case between Capt̃ Smith, Kæzar, Sellick, & Grosse. [*105.]

1. That Capt̃ Smith was cheife cōmander of the ship Rainbowe, & marchant of the goods, & so both at his dispose.

2. That Kæzar, &c, had no power nor iust cause to bring away the shipp from Barbadoes, but in so doing did breake their covenant or charty party, notwithstanding the danger he pretended he was in, in regard of his owne ꝑson or ye losse of ye marchants goods.

3. That therefore both he & ye rest of ye sailers (in strictnes) ought to loose their wages.

4. That Kæsar should pay to Smyth these ensuing damages, viz: For lose in wine, that might have bene sould to more ꝓfit at Barbadoes then at Boston, the soṁe of nynety pounds; for Smyth & his mans charges at Barbadoes comeing hither, & for other diffamation here & there, ye suṁe of fiftye pounds.

For the negars (they being none of his, but stolen) we thinke meete to alowe nothing.

5. All circumstances considered of Sellicks carriage at Pascataq, & his letter to Kæzar, at Barbadoes, wee thinke it equall that Kæzar, Sellick, & Grosse should onely have their principle suṁes adventured paid them.

6. The shipp & ꝓceed of ye cargo to be delivered as now shee is to Capt̃ Smyth, he paying such due charges as hath necessarily bene layd out about her since her comeing hither, that shee is now ye better for, to be iudged by Goodman Chaffye & Goodm̃ Garret, & that ye ship may be stayed till ye order is satisfied.

That Capt̃ Smith should alow Kæsar 10t, for threatening to pistol him, & yt Capt̃ Smith take his remedy for the seamens wages.

*It is conceived iust, that ye petitioner, Robert Turner, should be alowed after eight in ye hundred, since his bills were signed, & a warrant to be [*106.] Robt Turnr.

1645. directed to ye Treasurer to make good & speedy payment of ye whole, being as by ye petition about 100t.

1 October. After many agitations about finishing ye Castle & setling a garrison there,
601– it is concluded & ordered by ye Cort as followeth: —

Castle. First, that ye country shall alow 50t for ye building of ye captaines house; (2.) yt ye country is also to alow 100t toward ye finishing of ye said worke, & yt according to former order of Cort, & for any further charges for finishing ye said worke, the five townes wch undertooke it ar to see it fully finished according to agreemt; and for ye settleing of ye garrison, it is furthr ordred, yt ye capt̃ of ye Castle shall have the whole charge of ꝑviding a sufficient gunner, wth 10 men for ye whole yeare, & 10 men more for 8 months, according to ye formr ordr, & to be alowed for himselfe, ye gunner, & ye rest of ye garrison yearly, ye sum̃e of 280t, to be paid him in mannr following: First, for ys ꝑsent year ⅓ ꝑt in hand, anothr ⅓ ꝑt at 6 months, ye last ⅓ ꝑt at ye yeares end; and for ye time to come to be paid in two paym̃ts, ye one at halfe a yeare, ye othr at ye yeares end; & what hath bene already layd out by ye capt̃ to have speedy satisfaction for ye same; and likewise it is furthr ordred, yt ye said 280t above mentioned shalbe paid him in mannr as followeth: viz, 52t by Boston, ye ½ in corne, or such pay as ye capt̃ will accept as othr townes, ye othr ½ in mony, bever, or shop com̃odities; 20t 16s by Dorchestr, in wheate, pease, rye, barley, Indian, or fat cattle, of each of like value; of Cambridge, 20. 16s in ye same pay; 20t 16s by Charlstowne, whose pay ye capt̃ accepts; & of Roxbry 100 bushels of Indian meale, delivred at ye Castle, & 12s in Indian or othr pay; furthr, it is agreed, yt ye cap̃ of ye Castle shall have ye use of ye iland to himselfe, & yt ye capt̃, wth ye garrison, to be free from all country charges, and ye ꝑsent gunnr shall have timely warning to ꝑvide for himselfe between ys & ye spring, & to be satisfied for his service during ye time he remaines yr, & ye order for ye pay by ye five townes distinct is limited to continue but to ye end of × years, for wch time onely ye said townes did at first undrtake, &c.

It is ordred, yt Capt̃ Davenport shall have 20t paid him to ꝑvide a greate boate for ye use of ye Castle.

[*107.] *For ye better defraying ye great charges yt necessarily attends ye publike
602– occasions of ys com̃on welth, wch by all is desired to be lessened as much as may be, —

Wines impos. Its ordered, every person yt shall receive any wines from any vessell, a shore on any part of ys iurisdiction, shall pay, to ye officer appointed to receive it, for every butt of sack 10s, & so ꝑportionable for lesser vessels, & for every hogshead of French wines 2½s, & so ꝑportionable for lesser vessels, wthin 6 dayes after his receite thereof, eithr in mony, good marchantable beaver, or

in y^e best of y^e same wine at y^e m^rchants price; & if y^r be any ꝑson that shall not, w^thin four dayes after y^e receite of any wines a shore, enter y^e same into y^e booke of y^e said officer, so much as shalbe found or ꝓved to be received & not ent^red into y^e said offic^rs booke, shalbe forfeite to y^e sole use & benefit of y^e country & officer, halfe to y^e country & halfe to y^e offic^r, or y^e worth thereof in like gooꝺ pay as before; & y^e former order for y^e 20^th part is hereby repealed, & all form^r ord^rs, for any rate or imposition upon wines, are repealed also, & y^t y^e offices be appointed to have alwayes a deputy, where himselfe cannot be ꝑsent. S: the next order but one. 1645. 1 October. Wines.

The Co^rt doth conceive itselfe bound to afford y^e offic^r for y^e custome of wine all iust power to come to y^e certeine knowledg of what wines, by any ꝑson whatsoev^r in this iurisdiction, hath bene drawne, or is begun to be drawne by y^m, or any of y^m; therefore ord^r, y^t all such ꝑsons, licensed or not, shalbe sum̄oned to the next Quart^r Co^rt, there to give in, upon oath, y^e truth of what they, or either of y^m, doth or hath drawne, to y^e satisfaction of y^e said officer, & y^t such as are licenst, & have not given into y^e Quart^r Co^rts y^e truth of what they have drawne, are contemn^rs of y^e law, & should be fined for their contempt y^rof; y^s to reach to Dover & Strawberry Banke also.

The Co^rt conceive it meete y^t all such as y^e officer for y^e custome of wines know, or by any meanes can come to y^e knowledg of, y^t do, directly or indirectly, draw, or have drawne, any wine, in greater or lesser vessels, should, by sum̄ons, be brought before a Quart^r Co^rt, y^r to give an account of what they have done, for y^e time past or yet to come, since or dureing y^e ord^r, & y^t whoever shall refuse to give a iust account of y^e truth of what they have done (if they be licenst) to be put by, y^t they draw no more wine, & any oth^r m^rchant, cowper, or other ꝑsons whatsoever, y^t shall refuse as aforesaid, to be fined for their contempt of y^e order of y^e Gen^rall Co^rt in y^t respect.

It is ordered, y^t y^e custome of wines shalbe left to *the care of the audito^r generall. [*108.] Officer for wines.

And the captaine of the Castle shall have power to demand & receive from y^e ships the custome for anchorage & tuñage. 603– Anchorage.

Whereas, by order of y^e last session of y^s Co^rt, a certeine rate was set upon all forraigne ships, in name of tuñage & anchorage, it is nowe thought fit y^e said order be hereby repealed.

And it is now ord^red, y^t all strang^rs ships, w^ch shall arrive w^th marchandize, in any of o^r harbo^rs of Boston or Charlstowne, & shall make sale thereof, or of y^e greater part of y^e same, shall pay, by way of custome or imposition, after y^e rate of 6^d y^e tunn for every ship, to be paid out of y^e said marchandize, & y^t y^e m^r of every such shipp shall pay towards y^e maintenance of o^r fortification, for y^e defence of o^r said harbo^rs, tenn shillings; provided, y^t no 604– Strang^rs ships.

1645. English shipp, arriving in o^r^ said harbo^r^, shall pay any custome or imposition, but onely towards y^e^ maintenance of y^e^ said fortification, as other ships are hereby ordered to pay, viz^ſ^: 6^s^ 8^d^ for every ship und^r^ 200 tunn, & 10^s^ for every shipp above y^e^ said burthen. Provided, also, y^t^ y^s^ ord^r^ intends not y^s^ fro^m^ any shipp cuting of y^e^ 10^s^ p̄ butt y^t^ shalbe lan̄ded on any shores w^th^in̄ y^s^ iurisdiction; p̄vided none of y^e^ vessels of o^r^ confed^r^ates, or any oth^r^ p̃ts where·o^r^ ships are free of customes, &c, shall pay any custome or imposition in any of o^r^ harbo^r^s.

1 October. Tunnage.

M^r^ Ro: Saltonstall.

M^r^ Rob^r^t Saltonstall is granted, in y^e^ right of his fath^r^, S^r^ Rich^r^d Saltonstall, 3200 acres of land, due for his adventure; p̄vided y^e^ land be granted w^th^ y^e^ usual p̄viso, & be layd out where it be no hindrance to any towne y^t^ is or may be hereaft^r^ granted.

It is ord^r^ed, y^t^ Maior Edward Gibons should be put to take an oath truely to discov^r^ what goods, w^ch^ came in y^e^ ship Gilbert, belonging to y^e^ Canary marchants, are in his hands, at y^s^ p̄sent, & what debts, goods, or y^e^ p̄ceed y^r^of of y^e^ Canary m^r^chants he hath in his hands, w^ch^ he refusing, y^e^ Co^r^t voted y^t^ y^r^ shalbe an execution granted on y^e^ p̄sonall estate of Maior Edw^d^ Gibons, if he discov^r^ not w^r^ y^e^ estate of y^e^ Canary marchants are.

M^r^ Rob^r^t Saltonstall, upon his petition, & p̄senting y^e^ account of S^r^ Rich^r^d, und^r^ y^e^ attestation of y^e^ publike notary, & oth^r^ evidence p̄duced, is alowed these *perticulers, viz^ſ^:

[*109.]

For 5 barrels of powder,	. . . . .	30^t^ 00
For his expences upon y^e^ quo worranto,	. . . . .	20 00
For y^e^ mon̄yes paid to M^r^ White & M^r^ Ballard,	. .	50 00

Saltonstall. out of w^ch^ to be deducted, w^ch^ he is satisfied, 9^t^; & for y^e^ mony put in as adventure, &c, he ought to be alowed his due p̄portion of land, w^ch^ is granted before, as oth^r^ adventurers & und^r^takers are to have, to be set out upon petition, according to y^e^ usuall course.

Concerning y^e^ medowes in Watertowne, seing he hath form^r^ly had full hearing, both in y^s^ & oth^r^ Co^r^ts, & determination by due course of iustice, he ought to rest therein, & not further to trouble this Co^r^t about y^e^ same.

For y^e^ 36^t^ paid to Pont, we find no reason to alow it, seeing neth^r^ hee nor M^r^ Humfrey (who implied him) were o^r^ agents, or set on worke by us, & M^r^ Humfry had 500^t^ or more in his hands, w^ch^ he received for y^e^ country, out of w^ch^ he might have paid him, if he had seene cause for it.

For y^e^ 50^t^ for ordinance, it appears M^r^ Rob^r^t hath received y^e^ ordinance againe, as himselfe confessed; tenn pounds is also to be discounted for y^e^ overplus he made of y^e^ countryes guns above his 50^t^.

M^r^ Rob^rt^ Saltonstall. It is y^e^ mind of y^e^ Co^r^t y^t^ M^r^ Rob^r^t Saltonstall pay his fine w^ch^ he was fined y^e^ last Co^r^t, for his grosse evill, (& if it had bene more,) before y^e^ abovenamed sum̄es be satisfied.

1645. 1 October.

The Co^rt conceiveth y^t y^e letter of atturny herew^th sent, whereby S^r Rich: Saltonstall grants to M^r Rob: Saltonstall all his debts, &c, in Newe England, to his owne use irrevocably, is sufficient warrant for him to receive what is ord^red to S^r Rich^rd fro^m y^e country, & y^t M^r Rob^rts discharge wilbe sufficient to satisfy y^e order, & y^t no oth^r is to be expected fro^m S^r Rich^rd, seeing he hath no pow^r now to authorsh any other; y^rfore it is ordered, y^t y^e Secretary (upon receit of a gen^rall acquitance, according to y^e ord^r,) may give warrant (to be signed by y^e audito^r) for y^e Treasurer to pay him y^e remaind^r due to him, y^e 29^t being deducted, according to y^e 2 ord^rs of y^s Court, & what is owing by him besides for actions entered.

Castle.

Forasmuch as this Co^rt hath imposed a pœnalty upon Boston & oth^r townes if their worke w^ch they have und^rtaken at y^e Castle be not finished by a time ꝑfixed, & w^ras diverse of y^e inhabitants do refuse to contribute to y^e charge y^rof, upon ꝑtence y^t it was a volentary act, it is thought fit (in regard y^s Co^rt hath given alowance y^rto, & now requirs a speedy ꝑformance y^rof) y^t y^s Co^rt would now order, y^t y^e cunstables of y^e sev^rall townes so engaged, & ev^ry of y^m respectively, may have power, by vertue of their office, to levy all such sum̃es as have bene or shalbe assessed towards y^e fortification *of the said Castle, & y^e maintenance of y^e same, & of y^e garrison there, according to y^e order of Co^rt. The gunner is now (upon his desire) discharged, w^th ord^r to consider his time spent this sum̃er, & allow him for it. [*110.]

.Boston hath 14 dayes granted y^m from y^e 18^th of y^e 8^th month, as other townes have.

An ord^r for Salem captaine.

Whereas y^e towne of Salem, lying so open to y^e sea, is in great dang^r of suddaine attempts by a forraigne enemy, & y^rfore great care is to be had in these dangerous times, it is ord^red, y^e cheife millitary offic^r of y^e band y^r should inhabite in or nere y^e harbo^r. Y^s Co^rt, considering y^t Captaine Traske, who hath bene many yeare their cheife officer, dwels so remote fro^m y^t p̃t of y^e towne as he cannot be helpfull upon any such suddaine occasion, doth hereby discharge him of y^t office, w^th all due acknowledgm^t of his faithfulnes & form^r good service to y^e country, & do hereby appoint M^r Willi: Hathorne to be capt̃ of y^e said millitary company or trained band of y^e said towne, to exercise y^e said office, & continue therein, untill some oth^r shalbe duely chosen & confirmed in y^e said office, according to y^e ord^r of y^s Co^rt; & Willi: Clarke to be his leift̃ dureing y^e said time, & Ensigne Dixie to be ensigne til y^e Co^rt take furth^r ord^r herein.

The Co^rt have agreed y^t Capt̃ Bridges shall have 2 men such as he shall make choyce of, & ar wiling to go w^th him, who may accompany him in y^s service y^e country hath called him unto, as also y^t he shall have a youth to attend him as a page, or in his chamber, & these upon y^e charge of y^e country.

1645. 1 October. It is ordred, yt a lettr be writ to Benedict Arnold, & ye bond sent him, & ordr for him to receive ye 17t or ye stores into his hand, & he to be accountable for ye same.

Bunell. Mr Sparhauke & Leift Mason are appointed a committee wth all powr to dispose of ye childrn of Goodman Bunnell, if their grandfathr will not take care of ym.

Mr Leadrs bills. The Cort, considring how offencive it wilbe to or freinds in England, & not onely dishonrable to ye Cort, but very ꝑiuditial to ye whole *whole* country, if these bills should be returned ꝓtested, do conceive it needfull to alow yo same in such pay as ye country will affoarde.

The magistrates haveing taken ye acknowledgmt of John Cowdall & his wife, for pasing ovr ye dweling house & ground to their sonne in law, Willi: [*111.] Davies, ye Court *doth consent to confirme it to ye said Willi: Davyes.

An ordr about ye natives. The Court, being still mindfull of its duty, doth endeavr, as much as in it lyes, yt all meanes may be used to bring the natives to ye knowledge of God & his wayes, & to civilize ym as spedily as may be; & yt some such course may be taken as may cause ym to observe those rules, its desired yt notice may be given to ye reverend elders, in their severall sheirs, of ye ready mind of ys Cort, upon mature deliberation, to enact what shalbe thought meete hereabouts, & of their desires yt they would take some paines therein, & returne their thoughts about it to ye next siting of ye Genrall Cort.

605– Ye marshall to attend his office. It is ordered, yt ye marshall shall attend ye execution of all warrants from ye Treasurer wthin two months after ye date & delivery yrof unto him, upon forfeiture out of his owne estate of xs in a pound of such ꝑticulers in ye Treasurers warrant as he shall neglect his utmost powr for obtaining yrof, if they will not be otherwise obtained, & yt he likewise attend ye geting in of fines, in such lesse times as he shall see meete, wr there shall be danger of losse by so long forbearance.

Strawbry Bank & Dovr. The Cort, considering ye great charge of ye country by ye ꝓvicion wch is made for each membr of ys Cort, yt Strawberry Banke & Dover having sent their deputies hithr, & being ꝓvided for wth ye rest, for wch they are yet behind, & have not satisfied for, have appointed Willi: Parks & Leift Atherton a comittee to examine wt they stand indebted to ye country for their deputies dyet these 4 or 5 years past, & to certify ye Cort yrof, yt so they may be ꝑsently sent to for it.

606– Armes most usefull. It being requisite yt all inhabitants wthin ys iurisdiction should endeavor after such armes as may be most usefull for their owne & ye countryes defence, it is yrfore ordered, yt no peeces shalbe alowed for serviceable, in or trained bands, but such as are ether full musket boare, or basterd musket at ye least, & that none should be under three foote 9 inches, nor any above foure

foote 3 inches in length, & y^t ev^ry man have also a priming wyer, a worme, & scourer fit for y^e boare of his musket, w^ch we find not required in any former order. 1645. 1 October.

Forasmuch as y^s Co^rt hath form^rly granted y^t y^r should be a village upon Ipswich Ryver, at or neere a place called y^e New Medowes, & forasmuch as c^rteine of y^e inhabitants of Ipswich who have farmes imp̄ved nēer y^runto, & do desire y^t a minist^r might be settleed y^r to dispence y^e word to y^e p̄sent inhabitants & such oth^rs as shall plant y^mselues at y^e said village, whom yet notw^thstanding they are no wayes able in any comfortable mann^r to mainetaine a minister, & to defray oth^r necessary charges of y^e place, if w^thall they should be lyable to all other rates & publike charges of y^e towne of Ipswich. 607– Y^e village by Ipswich.

This Co^rt doth therefore hereby order, y^t either y^e whole towne of Ipswich shall equally contribute (w^th such oth^r inhabitants as have lands in or neere y^e said village) to y^e maintenance of *a minister, & all other publike charges incident to such a village, or else y^e foresaid inhabitants, y^t have lands neer y^e said village, & shall contribute to y^e maintenance of a minister y^r, & oth^r necessary charges, shalbe freed fro^m all mann^r of rates, charges, or contributions to y^e towne of Ipswich for their land or stock in or belonging to the said village. [*112.]

The Co^rt, haveing heard what y^e leather dressers (being petition^rs) & Ralph Woory (who is y^e onely man they informe against for carriing goate skins out of o^r iurisdiction) could say about y^s busines, have thought it equall y^t y^e said Ralph Woory shall have liberty to send 8 dussen of goate skins, w^ch he saith he hath already sould to be delivered in England, & y^t for y^e time to come, if he or any oth^r shall ship any to be transported out of y^s iurisdiction, unlesse they be dressed & made into gloves, or some oth^r garm^ts, all such goate skinns shalbe forfeited to y^e com̄on wealth, or y^e value y^rof, if y^e skinns cannot be found. 608– Goate skinns. P^rvided for ord^r 629.

Upon y^e petition of severall of Marblehead, Arthur Sanden is granted licence to sell wine there.

To M^r Thom: Fowles petition y^e Co^rt answered, they know no way to help him, but to certify y^e truth of y^e p̄ceedings between Mada^m Latore, Bayley & Barkley, & to leave him to his lawfull remedy against Alderman Barkley.

To y^e petition of M^r Stephen Winthrope & M^r Joseph Weld, y^e Co^rt answ^red, they know no way to help y^e petition^rs, but to certifye y^e truth of y^e p̄ceedings of y^e Co^rt between Madam Lato^r, Bayley & Barkly, w^ch they are ready to do, & to leave y^m to take their lawfull remedy against Alderman Barkley.

1645.

1 October. Mr Marsh.

Upon ye petition of Mr Joseph Hill, in behalfe of Mr Thom: Marsh, for ye adventure of $33\frac{1}{3}^{t}$, he is granted to have so much land wr he can find a convenient place, as his adventure requireth, according to ye proportion agreed on for such adventurers.

Upon ye deposition of Mr Isaac Allerton yt yr is 49. 12^{s} resting due to him, ye Cort thinketh meete yt ye Treasurer should discharge ye same.

Nashaway plantation.

Upon ye petition of ye undrtakrs for ye plantation at Nashaway, ye Cort is wiling yt John Hill, serieant John Davies, John Chandler, Isaack Walker, & Mathew Barnes, or any three of ym, shall have powr to set out lots to all ye plantrs belonging to ye said plantation, ꝑvided yt they set not their houses too far a sundr, & ye great lots to be ꝑportionable to mens estates & charges, & yt no man shall have his lot confirmed to him before hee hath taken ye oath of fidelity before some magistrate.

Mr Symon Eyres being formrly chosen clarke of ye writs for Watertowne, & his implimts being genrally at Boston, upon ye desire of ye towne John Sherman is appointed clarke in his roome.

[*113.] J: W:

*Upon ye request of ye Deputy Governr, ye Cort granted yt ye 50^{t} formrly granted him for his service in the place of Govrnr, @ 1642, should be paid him out of ye treasury, deducting 5^{t} for Katherine, one of ye maydes brought ovr upon ye countryes stock, & placed wth him.

Mr Wheelock being ꝑsented by ye towne of Dedham as a person to solemnize marriage yr, ye Cort doth thinke meete to grant their request.

Comitte to lay out ye way between Dorchster & Weimoth.

Leift Tory, Leift Atherton, & Stephen Kingslye are appointed a comittee to veiw ye neerest way between Dorchestr & Waymoth, & to return their thoughts to ye next siting of ye Genrall Cort.

The Cort thought fit to write to Mr Williams, of Pascataq, (undrstanding yt ye negrs wch Capt Smyth brought were fraudulently & iniuriously taken & brought from Ginny, by Capt Smiths confession, & ye rest of ye Company,) yt he forthwth send ye neger wch he had of Capt Smyth hither, yt he may be sent home, wch ye Cort doth resolve to send back wthout delay; & if you have any thing to aleadge why you should not returne him, to be disposed of by ye Cort, it wilbe expected you should forthwth make it appear, either by yorselfe or yor agent, but not to make any excuse or delay in sending of him.

The Cort haveing appointed a comittee, Willi: Parks & Leift Atherton, to examine all bills wch may be thought fit to be signed for ye Treasurer to pay for all bills that shall come in this Cort.

609– Agt transportg powder.

It is ordred, yt whosoever shall transport any powdr out of ys iurisdiction wthout leave & licence first obtained from some two of or honored magistrates, shall forfeit for every such offence wt shalbe so transporting; & yt yr may be

no defect for want of an offic^r^ to take care y^r^abouts, Josua Scottaway is appointed y^e^ publike offic^r^ of y^e^ country in y^s^ respect, & hath hereby pow^r^ granted him to search all ꝑsons & vessells y^t^ are or shalbe any way suspitious to him to be breakers of y^e^ Co^r^t ord^r^ in y^s^ respect; & w^t^ he finds in any vessels or hands w^th^out order, as aforesaid, to keepe y^e^ one halfe to his owne use, in recompence of his paynes, & to returne y^e^ oth^r^ halfe y^r^of to y^e^ Treasurer. 1645. 1 October.

Upon y^e^ petition of John Cauklin & Ananias Coukclayne, (who have bene implied about y^e^ glasse worke, w^ch^ y^e^ und^r^tak^r^s have for y^s^ three yeares neglected,) y^t^ they might be freed fro^m^ their engagment to y^e^ form^r^ und^r^takers, & left free to ioyne w^th^ such as will carry on y^e^ worke effectually, except y^e^ former und^r^takers will forthwith do y^e^ same, the Co^r^t conceive it very expedient (in regard of y^e^ publike interest) to *grant this petition, ꝑvided y^t^ if any of y^e^ ꝑties interesed shall (upon timely notice) shew cause at y^e^ next Qu^r^ter Co^r^t, at Boston, w^r^upon y^e^ magistrates shall iudge it equall y^t^ y^e^ cause should have a furth^r^ hearing, y^n^ y^e^ full answere & determination of y^s^ petition shalbe defered to y^e^ next Generall Co^r^t; oth^r^wise y^e^ petition^r^s shalbe at liberty, according to their desire. Y^e^ glass worke. [*114.]

Whereas Leift Ath^r^ton & Serieant Davies were by y^e^ councell sent out w^th^ forty souldi^r^s to y^e^ ayde of y^e^ Mohegone sachim, Uncas, it is thought meete by y^e^ Co^r^te, in respect of y^e^ ꝑciousnes of y^e^ season, & y^e^ multitude of their occasions w^ch^ they left, w^th^ y^e^ meannes of y^e^ pay they are like to have for their paines, y^t^ each souldier in y^t^ iorny implied shalbe alowed, above & besides their dyet, 8^s^ ꝑ weeke, y^e^ serieant 20^s^ ꝑ weeke, & y^e^ leift 40^s^ ꝑ weeke, y^e^ rest of y^e^ souldiers to be alowed 6^s^ ꝑ weeke; w^t^ever each or any souldier hath had fro^m^ y^e^ country to be deducted out of their wages; & for y^e^ men, carts, & oxen implied in y^s^ service, to be thus satisfied: for 6 oxen & cart, each day, 4^s^ ꝑ day; for y^e^ men attending y^r^upon, aft^r^ 6^s^ ꝑ weeke. Y^e^ Co^r^ts meaning is, y^t^ y^s^ colony should onely as a gratuity beare y^e^ 2^s^ in y^e^ first fortye souldiers pay per weeke.

Whereas y^e^ towne of Cambride hath ꝑsented M^r^ Joseph Cooke, M^r^ Edward Collins, & Willi: French, w^th^ a desire to y^s^ Co^r^t to cause one of y^m^ to be instauled leift, & also have ꝑsented M^r^ Samuell Sheopard, John Stedman, & Thomas Danforth, one of w^ch^ to be enstauled ensigne, —

The Co^r^t thinketh meete to desire M^r^ Joseph Cooke to take care of y^e^ company in y^e^ absence of y^e^ capt, & till y^e^ Co^r^t shall take furth^r^ ord^r^, & y^t^ John Stedman be established ensigne.

The Co^r^t thinketh it meete y^t^ M^r^ Peet^rs^ & M^r^ Weld, being sent ov^r^ as ꝑsons fit to negociate for y^e^ country, haveing been long absent, desire they may und^r^stand the Co^r^ts mind y^t^ they desire their ꝑsence here, & speedy returne. M^r^ Peters & M^r^ Weld called home.

1645. This Co^rt haveing chosen Harbert Pelham, Esq^r, & William Hibbens to examine y^e receites of M^r Rob^rt Saltonstall of y^e goods received of John Humfry, Esq^r, granted unto him by two iudgm^ts, amounting to 187^t 3^s 4^d, & w^ras it is suspected y^e said Rob^rt hath received more y^n y^e sum̄e aforesaid, —

1 October. Its therefore conceived by y^e Co^rt y^t y^e com̄ittees are required to take y^e accounts fro^m y^e said Rob^rt; & if y^r be any more received y^n y^e aforesaid sum̄e, y^t y^n y^e said debt due fro^m y^e country unto S^r Rich^rd, y^e p̃t y^rof, or y^e whole, shalbe deposited in y^e hands of y^e Co^rt, for satisfaction to the said M^r Humfryes.

[*115.] *The Co^rt thinke meete y^t a letter of thankfulnes should be sent fro^m this Co^rt to M^r Pocock & y^e rest of y^e com̄ission^rs for their paines & care in o^r affaires, & perticulerly in y^t w^th Alderman Bartley.

The Petition of Rich^rd Saltonstall, Esq^r, M^r Symon Bradstreete, M^r Samuell Symonds, M^r Rich^rd Dumer, M^r Willi: Hubberd, Capt̃ W^m Hathorne, & M^r W^m Paine.

610– First, y^t they may be established, by ord^r of y^s Co^rt, as a free company of adventurers, w^th liberty to admit & take into o^r society such oth^rs as wee conceive to be meete for y^e advancment of y^e worke, & to make such holesome ord^rs for y^e well managing of o^r trade as is granted unto such companies in other parts.

Secondly, y^t w^tsoev^r trade they shall discov^r w^thin y^e compas of three yeares next ensuing, if y^e Lord blesse o^r endeavo^rs, we may enioy it solely to o^rselues & y^e rest of o^r company for y^e space of 20 yeares after such discovery made & houses built, w^th full pow^r & authority fro^m y^s Co^rt to inhibite & restraine all oth^r p̃sons w^tsoev^r, during y^e tearme aforesaid, y^t shall attempt any trade by y^m so discov^red & setled, w^thout y^e warrant of y^e aforesaid company, or if they have or shall intermeddle therein as aforesaid, y^t y^n it may be lawfull for y^m to seize upon such goods so traded; & they are granted letters, und^r y^e publike seale, to y^e French, or any oth^r they may necessarily have to do in y^e p̃secution hereof for the further countenancing of their p̃ceedings.

Lastly, they are granted y^e like liberty & pow^r y^e use of a caravan, to be advanced any way up in y^e country, as far as they shall see meete; p̃vided, it shalbe lawfull for any man to set up any trading house, & to trade in & upon any such rivers, so as y^e same be not w^thin 20 miles of any such trading house as y^s company shall erect.

It is intended y^t no trading house, w^th such like priviledges, shalbe erected w^thin 50 miles of any plantation y^t is in o^r iurisdiction, y^t is planted by y^e English; & it is intended y^t any man w^thin o^r iurisdiction may put in

his adventure, & be of y^e^ said company, so as he cometh in w^th^in twelue monthes. 1645.

1 October.

Pvided, also, y^t^ if all y^e^ United Colonies shall agree unto & carry on a gen^r^all trade at any time hereafter, y^t^ y^n^ y^s^ company shall surcease fro^m^ going on in y^s^ p̃ticuler way of trade w^th^ such as have like pow^r^ of p̃ticuler trade, so as y^r^ be first due satisfaction made to y^s^ company, & any oth^r^ y^t^ shalbe expended about y^e^ ꝑsecution of y^e^ said p̃ticul^r^ trade. Y^s^ is granted by y^e^ Co^r^t, so as it contradict not y^e^ form^r^ grant to M^r^ Hill & M^r^ Tynge, &c.

Goods ret. by Captain Bridges.

Upon Willi: Wilson his petition, it was ord^r^ed, y^t^ y^e^ 6 yards of trucking cloth w^ch^ was bought for Capt̃ Bridges attendants at their returne shalbe lent to y^e^ keeper.

It is thought meete y^t^ those things, viz^t^, cotton woole, canvas, or else, w^ch^ returnes w^n^ Capt̃ Bridges returnes, should be deliv^r^ed to M^r^ Sparhauke & Leift̃ Mason, to be disposed of to Goodman Bunnell & his use.

*Upon y^e^ petition of Henry Woolcote, Daniell Clarke, Joseph Newe- [*116.]
berry, Benia: Newberry, M^r^ John Wareham, & Willi: Geler, on y^e^ behalfe of y^e^ three yongest daught^rs^, y^e^ Co^r^t granted y^t^ y^e^ farme bought of M^r^ Pinchin, w^th^ its appurtenances, y^e^ 16 acre lot, w^th^ y^e^ barne upon it, & y^e^ 40 rods in the little neck, should ^ ratified & confirmed to M^r^ John Glover.

Sagamore Raynowet, for consenting to y^e^ Narragansets, was fined 10 fathome of wampom; to pay 5 fathome y^s^ yeare & 5 fathome y^e^ next year; & he was admonished never to do the like; if he did, to be cramed.

It is ordered, y^t^ James Penn shall have 20^s^, to be disposed among such of his servants & helps as have bene implied about y^e^ dyet & attendance of y^s^ Co^r^t, & y^e^ late meeting of y^e^ commission^rs^; 10^s^ thereof to y^e^ ꝑsent cooke, y^e^ wife of ^ Mills, & y^e^ rest to oth^r^ servants & helps.

Upon y^e^ petition of Alexand^r^ Beck, the Co^r^t conceive fit he should have 3^s^ ꝑ weeke for y^e^ boy, w^ch^ is 3. 18^s^ to y^e^ 14^th^ 8^th^ m̃, & 2^s^ ꝑ weeke for y^e^ mayde to y^e^ 14^th^ 8^th^ m̃, is 1. 16^s^, to be paid out of y^e^ treasury in regard those were put to him by y^e^ Co^r^t or magistrates, & if any towne or ꝑson be chargable w^th^ eith^r^ of y^m^, y^t^ it be required by y^e^ Co^r^t afterward.

George Smyth, for his adventure of 25^t^, is granted 200 acres of land, w^r^ they shall require it, so y^t^ it be neith^r^ w^th^in y^e^ limits of any towne, nor w^r^ it may hind^r^ y^e^ planting of anoth^r^ towne, hereafter to be granted, w^ch^ is agreable to oth^r^ grants formerly made upon like grounds.

Upon y^e^ petition of Rich^r^d Saltonstall, Esq^r^, M^r^ Hibbens is appointed, (with M^r^ Nowell,) in y^e^ steede of M^r^ Mayhewe, to take M^r^ Saltonstalls accounts about y^e^ estate of Jn^o^ Dillingha^m^, deceased.

1645. 1 October. It is ordred, yt ye 5t, wch Mr Pelham disbursed to Capt Bridges, in ready mony, for ye countryes occasions, be forthwith paid him in ye best pay ye Treasurer shall receive, although he should not demand ye same.

Obedia Govis is by order to be discharged.

Mr Pelham, & ye deputies of Charlstowne & Cambridge, are appointed to reade over ye orders.

Whereas, in a formr session of ys Cort, ye deputies ingaged ymselues to pay unto James Penn about ye sume of sixtye pounds in mony, beaver, wheate, or barly, or cattle, ye same not being pformed, it is now ordred, yt ye said sume be forthwth paid by ye Treasurer, according to ye said ingagement.

18 October. *18th 8th Mo, 1645.*

Castle. The Cort being much troubled yt ye Castle is, & hath bene, so long neglected, thinke it meete yt Boston should be fined 20t, if by ye first of ye 9th m they finish not ye pt wch belongs to ym at ye Castle gates, or else, & for evry day yt any thing wch belongs to be done by Boston, & is not done after yt day, to forfeite 5t a day more; so for Dorchestr, Roxberry, Charlstowne, & Cambridge, wt worke soevr belongs to any of ym to do, & is not done wthin this
[*117.] fortnight from ys day, to be fined 20t a *peece, & 5t a day for every day yt any thing belonging to any of those townes are undone, & not finished after that time.

It is ordered, that the surveyer generall shall keepe all ye country armes, & sell them to any that will buy them, being inhabitants wth us, & account for ym to ye auditor genrall.

The Cort thinketh meete, yt if Mrs Stoughton bring two sufficient men or more to ansere ye country for what her late husband stands indebted to the country, to ye satisfaction of the auditor, shee shalbe discharged therefrom by ye auditor generall.

611– Genrall Corts to be kept by turnes. Forasmuch as ys Cort hath used sevrall wayes & meanes for ye lessening ye great charge of ye country, & most equall dividing thereof, wch would abundantly satisfy ye mindes of most, yr being now pposed a way wch hath not bene tryed, thinke it meete yt ys way be put in practice for ye time to come, vizs, that each towne shall beare ye charges of yir owne deputies at ye Genrall Cort, or otherwise, & each sheire ye charges of those magistrates at ye Quarter Corts wr they shalbe; that ye Genrall Corts be kept in each sheire towne by turnes, now next at Boston, then at Cambridge, & last at Salem, & so to keepe their turnes, & wrever ye Genrall Cort is, or shalbe, yt sheire to beare ye charges of all strangers & those magistrates yt reside yr, & ye charges of ye magistrates

at y^e^ Gen^r^all Co^r^t, & meetings of y^e^ councell to be borne by y^e^ sheires where they live, & y^t^ y^e^ Co^r^ts be equally divided between Middlesex & Suffolke, to be kept by turnes at each sheire towne; further, y^t^ Norfolke shall have two Co^r^ts in a yeare, as Salem & Ipswich, they bearing y^e^ charge y^r^of, & agreeing amongst y^m^selues of a conveńient place: this ord^r^ is consented to, w^th^ y^s^ adition & condition, y^t^, first, y^e^ arrerages of all o^r^ dyet shalbe all paid for at Boston; y^n^ y^t^ y^e^ next yeare, begiñing in May, 1646, y^e^ Co^r^ts shalbe at Boston, & so y^e^ two next yeares at Cambridge & Salem successively, & y^t^ at y^e^ end of those three yeares all y^e^ Co^r^ts shalbe kept in y^e^ places & at y^e^ times they now are, unlesse *y^e^ Co^r^t do take further order therein. [*118.]

1645. 18 October. 1646.

M^r^ Hibbens, M^r^ Sparhauke, & M^r^ Rawson are appointed a com̄ittee to take y^e^ accounts of M^r^ Downing & M^r^ Nehemiah Bourne, for y^t^ debt w^ch^ y^e^ last year M^r^ Downing was questioned for, if it may be in y^e^ siting of y^e^ Co^r^t, or else before y^e^ ship goes for England; & they have pow^r^ to sum̄on, to appoint y^e^ time of meeting for y^t^ end, & eith^r^ to signe him or y^m^ a bill to y^e^ Treasurer, if any thing be due to him or y^m^ fro^m^ y^e^ country, or to use all y^e^ meanes they can, or y^e^ law affords, to ꝑcure w^t^ is due to y^e^ country fro^m^ him or y^m^, as shall appeare.

Upon M^r^ Simkins testimony y^t^ he carried three peeces of ordinance to y^e^ Castle in a lighter, about tenn yeares ago, w^r^of one was a sacre, w^ch^ M^r^ Bellingham said was his owne, & some of y^e^ people said it was M^r^ Bellinghams gunn, it is conceived iust y^t^ y^e^ same, or y^e^ like gunn, should be deliv^r^ed to M^r^ Bellingha^m^ by y^e^ surveyer gen^r^all.

Upon a petition of div^r^s ꝑsons, for consid^r^ation of y^e^ lawe about newcom^r^s not staying above three weeks w^th^out licence, & y^e^ lawe against Anabaptists, y^e^ Co^r^t hath voted y^t^ y^e^ laws mentioned should not be altered at all, nor explaińed.

Whereas y^s^ Co^r^t hath found, by much experience, w^t^ damage y^e^ country sustaines for want of keeping exact accounts of all monyes y^t^ is due to y^e^ country, eith^r^ by gifts, fines, rates, legacies, & otherwise, as also of monyes issuing fro^m^ y^e^ country upon sev^r^all occasions, they have thought fit, y^s^ 15^th^ of y^e^ 8^th^ m̄, 1645, to elect & make choyce of Leift̄ Nathani: Duncan to be auditor gen^r^all for y^s^ country, & have conferd upon him thirty pounds ꝑ annum during y^e^ pleasure of y^e^ Co^r^t, to be paid him by y^e^ country for his paines & care y^t^ he shall take in y^e^ faithfull discharge of y^s^ place, who is also to take his oath for y^e^ due & faithfull execution of his office, w^n^ hee shalbe called y^r^unto, who also shall give an account y^r^of to y^s^ Co^r^t, as often as he shalbe required y^r^unto. 1. It is therefore ord^r^ed by y^s^ Co^r^t y^t^ y^e^ said auditor gen^r^all shalbe

612— Y^e^ ord^r^ for y^e^ auditor. Auditor gen^l^, N: Duncan.

1645. 18 October. carefull to place no debt upon ye country wch doth not rightly belong to ym to pay, or wch doth more ꝑperly belong to any colony, towne, or p̃ticulr ꝑson to discharge; & if yr should be any doubts arising herein, or in any such like paymt, yt he suspend ye paymt yrof till ys Cort hath determined ye same.

2. That he shall examine all notes, bylls, & accounts upon wch ye country is to make paymt or satisfaction to any ꝑson, & to agree wth ym about ye rates & prizes set downe, if they seeme to him unreasonable, or if they have not [*119.] before *bene agreed wth, & yt for ye future he shall passe no bills to ye Treasurer to pay, except they bring p̃ticular notes undr ye hands of such yt have received or taken up any thing for wch ye country is to be charged wth, as for ferrages, messages, dyet, & such like things; & ye Treasurer shall not alow any bill, &c, before it hath bene signed by ye auditor, who is to be as an equall iudge between ye creditor & ye country, yt wrong may not willingly be done either way.

Correct acct to be kept. 3. That he keepe ꝑfect books of account of all such things yt shall passe through his hands, apertaining to ye country, or signed by him, to be paid by ye country, as also of all debts & dues belonging to ye country, eithr by fines, rates, gifts, legacies, rents, customes, impositions, or any othr wayes; & yt hee may ye better do it, ye Secretary from time to time shall, after every session of ye Genrall Cort, & at ye end of every Quarter Cort, or any other, give notes of all fines, or othr ꝑfits yt shall arise or appertaine to ye country, by entering of actions, or any othr way, yt he may enter ym into his booke, & take order for their recovery at ye times agreed upon; & to yt end powr is hereby given him to sum̃on & call before him all farmrs or othr officers yt are to receive any customes, impositions, or rents belonging to ye country, & to take their accounts, & to ordr their paying of ym in to ye Treasurer according to ye times agreed upon; also to call before him any ꝑson yt is indebted to ye country, at such time & place as hee shall appoint, to give account of such debts; he hath also powr to issue out warrants to ꝓsecute by course of law any such debtor as, being found in arrerages, shall not, upon demand, make due satisfaction yrof, & yt ye marshall be ready to discharge his place in mattrs of ys nature, wn ye auditor shall require him yrunto.

4. That he take care to put ye country in mind yt all such as bring suites & controversies into ye Genrall Cort shall pay ye charges of Cort for so long time as they shall spend in ye hearing & determining yrof, according to a formr ordr of ys Cort made to yt end.

5. That he take notice of every rate yt is granted from time to time, & how it is ꝓportioned to evry towne, & make ye Treasurer debter for so much, yt so ye country may have a iust account of ye same; & he hath power at any time

to examine & veiwe y^e^ Treasurers accounts, *that so his owne bookes & accounts may be y^e^ more ꝑfect & ready; & if any difference or difficulty should arise between y^e^ auditor & Treasurer about any thing y^t^ may seeme to apꝑtaine to y^e^ office of y^e^ Treasurer, or y^t^ y^e^ Treasurer should thinke it apꝑtaines to y^e^ auditor to looke after, y^t^ in such cases they ioyne togeth^r^ to do what they can, y^t^ y^e^ busines of y^e^ country be not neglected, untill y^e^ Gen^r^all Co^r^t shall ord^r^ it between them. 1645. 18 October. [*120.]

6. That he shall take notice & looke aft^r^ wafts, strayes, goods lost, shipwrecks, whales, &c., or any such things of y^e^ like nature, w^r^ y^e^ ꝑticuler owner is not knowne; & y^e^ country may claime a priviledge in or comon right unto.

7. That he keepe by him a coppy of y^e^ records & ord^rs^ of Co^r^t, fro^m^ time to time, so many of y^m^ as conc^r^ne his place, for his direction upon any occasion.

8. If messeng^rs^ be sent forth upon any publike occasion, or such like service to be done for y^e^ country, y^t^ he agree w^th^ y^m^ for their paines; or if any be to be gratified for bringing letters or messuages hith^r^, he may ord^r^ y^e^ same to y^e^ best advantage of y^e^ country, & y^n^ direct his bill to y^e^ Treasur^r^ for y^e^ discharge of it.

9. When any shall come to give in testimony against malefacto^rs^, in faithfulnes to God & y^e^ country, & they require their charges for it, y^t^ he may agree w^th^ y^m^ for w^t^ is reasonable, & in all oth^r^ cases, wherein y^e^ country is to be at charge about pattents, bounds, or iurisdictions, &c., y^t^ he be y^e^ husband for y^e^ country, y^t^ imod^r^ate & needlesse charge be not brought upon y^e^ same.

10. That he take care both for y^e^ gen^r^all & ꝑticul^r^ Co^r^ts at Boston, y^t^ they may be ꝑvided for in a comly mann^r^, & to y^e^ best advantage of y^e^ country.

11. That at all oth^r^ Co^r^ts held w^th^in y^s^ iurisdiction, eith^r^ y^e^ secretary or clarke of y^t^ Co^r^t, or some oth^r^ w^m^ y^t^ Co^r^t shall appoint, shall take a ꝑticul^r^ account of y^e^ charge of y^t^ Co^r^t, & y^n^ leave a note und^r^ his hand w^th^ him y^t^ hath ꝑvided for y^t^ Co^r^t, w^ch^ he is to bring to y^e^ auditor to enter into his booke before he appoint y^e^ Treasurer to discharge it.

12. That all those things before mentioned, or any oth^r^ things not yet named, y^t^ shall apꝑtaine to y^e^ ꝑfit & behoofe of y^e^ country, he hath hereby pow^r^ to ord^r^ & take care of, suitable to y^e^ nature of his office, & whatsoev^r^ shalbe so received he shall appoint to be paid in to y^e^ Treasurer of y^e^ country, & so to charge him w^th^ it, & take receits fro^m^ him for w^t^ he receives by his appointm^t^, y^t^ so a clear account may be kept of y^e^ charges of y^e^ country yearely, & w^t^ comes in, beside rates, for y^e^ discharge there of; & y^t^ all former order for

1645. 18 October. signing of bills, for paym^ts, or ord^ring of accounts, conc^rning y^e country, is hereby repealed.

13. That y^e auditor shall signe no bill to be paid by y^e Treasurer, for any y^t is indebted to y^e country, till he first pay his owne debt or default so much out of y^t he is to receive of y^e Treasur^r as his debt comes to.

[*121.] 613— *The secretaries or clarkes of ev^ry Co^rt, & all such magistrates or comiss-sion^rs as shall asses any fines, or receive any sums for y^e countryes use, by speciall ord^r shall, w^thin fourteen dayes after, estreate such fines, or oth^r dues, to y^e auditor, who shall send a transcript or note y^rof to y^e Treasurer, y^t y^e same may be called for, or levyed, according to y^e co^rse of lawe, & all oth^r psons, who have form^rly received, wheth^r marshals or oth^r offic^rs, or any oth^r psons, or hereafter shall receive any gifts, fines, or oth^r dues to y^e country, shall make like certificate of y^e same to y^e audit^r, w^thin one month after y^e end of y^e Co^rt, for such things as are passed, & w^thin y^e time before limited, for time to come.

The Co^rt, haveing consid^red of y^e great expence of time occasioned by sev^rall psons bringing their suites to y^e Co^rt to be tryed here, thinke it meete that Capt Smyth should pay twenty nobles for defraying y^e charge of y^e Co^rt, & y^e towne of Ipswich & y^e petition^rs of y^e Newe Medows should pay 5^t for y^e time their cause tooke up in y^e Co^rt, fifty shill^gs y^e towne, & fifty shill^gs y^e petition^rs; & y^t Watertowne should pay fifteen pounds for y^e time w^ch their cause tooke up in y^e last Courte.

Whereas Rich^rd Saltonstall, Esq^r, (executo^r to y^e estate of Jn^o Dillingham, deceased,) hath tend^red his account, whereby it appeareth hee hath rec^d to y^e value of 932. 12. 2^d, & y^t, by acc^t, is made paid 924. 2. 1^d, it was granted this returne, made by M^r Nowell & M^r Hibbens, (as commission^rs in y^t behalfe,) may be entered & remaine upon record, as an ord^r of y^e Co^rt, & (in regard of such occasions as during my absence in England may arise) the will of John Dillingham, & y^e will of Sara, his wife, w^th y^e inventory to be kept by M^r Nowell, w^ch is granted likewise.

Whereas Rich^rd Saltonstall, of Ipswich, Esq^r, (executo^r to the estate of John Dillingham, deceased,) hath tendred his accompt, concerning the said estate, unto us und^rwritten, being, by ord^r of the Gen^rall Co^rte, appointed comission^rs to end & determine the same, wee, the said comission^rs, haveing pused & examined the account aforesaid, do find that the said Rich^rd hath received of the estate of John Dillingham aforesaid to the value of nyne hundred thirty-two pound twelue shillings two pence, 932. 12. 2^d. Also, we find that the estate of John Dillingham aforesaid doth owe, & is indebted unto, Rich^rd Saltonstall nyne hundred twenty-foure pounds two shillings & a

penny, 924^{l} 2^{s} 1^{d}. The said Rich^{r}d was alowed for his disbursment & adven- 1645.
ture in the ship Seaflower, upon a former comission granted by the Quarter 18 October.
Co^{r}te, the sume of six hundred & foure pounds, three shillings, & eleven pence.
The rest of the aforesaid sume of 924. 2^{s} 1^{d} is demaunded for severall sumes
layd out & paid by the said Rich^{r}d, (as executo^{r} to the estate of the said John,
deceased,) w^{ch} remainder, togeth^{r} wth the aforesaid sume of 604. 3. 11^{d}, we
find due to him, the said Rich^{r}d, & do hereby order, that he is & shall be
alowed *the sume of 924^{l} 2^{s} 1^{d}, out of the estate of John Dillingham afore- [*122.]
said. Further, we declare & signify, to all or any whom it shall concerne,
that, in convenient time, (as by ord^{r} of the Co^{r}te we are appointed,) it is o^{r}
intent to survey the severall sumes received by Edw^{d} Dillingham, as also by
Sarah, y^{e} daughter of John Dillingham, that the estate of the said John, de-
ceased, may be disposed & ꝑportioned according to his will.

INCREASE NOWELL,
WILLIAM HIBBENS.

It is ordered by the Gen^{r}all Co^{r}te, that this returne, (concerning the es-
tate & will of John Dillingham, deceased,) made by M^{r} Nowell & M^{r} Hib-
bens, (as comission^{r}s in that behalfe,) may be entered by the Secretary, &
remaine upon record, & (in regard of such occasions as during the absence of
the said Richard in England may arise) that the will of John Dillingham, &
the will of Sarah his wife, wth the inventory, shall be kept by M^{r} Nowell &
M^{r} Hibbens, that the said Rich^{r}d may be discharged thereof.

**At a Generall Courte, at Boston, for Election, the 6th of the 3th M^{o}, 1646.* 1646.
6 May.

P^{n}SENT, Y^{e} Gov^{r}n^{r}, Incre: Nowell, [*123.]
Y^{e} Deputy Go:, M^{r} Hibbens,
M^{r} Endecott, M^{r} Flint,
M^{r} Pelham, M^{r} Symonds;
M^{r} Bellingha^{m},

Deputies,

Ca: W^{m} Hathorne, Ma: Edw^{d} Gibons,
M^{r} Hen: Bartholomew, Ca: Rob: Keayne,
M^{r} Rich: Russell, John Johnson,
M^{r} Fran: Willoughby, Willi: Parkes,
Ca: Hum: Atherton, M^{r} Rich: Browne,
John Wisewell, Ephra: Childe,

1646.

6 May.

Ca: Ro: Bridges,
Mr Thom: Langton,
Natha: Sparhauke,
Edwd Goffe,
Mr Wm Hubberd,
John Whipple,
Mr Edwd Rawson,
Thom: Dyer,
Bozoon Allen,
Josu: Hubberd,
Ca: Sim: Willerd,
Leif: Elea: Lusher,
Mr Rich: Dumer,
Wm English,
Mr Edwd Carleton,
Sebasti: Brigham,
Petr Bracket,
Walter Haynes,
Lei: Edwd Johnson,
Natha: Duncan, an:
Willi: Waldren.

JOHN WINTHROPE, Esq, was chosen Govrnr, & tooke his oath to that place belonging.

Thomas Dudley, Esq, was chosen Deputy Governor, & tooke his oath to that place belonging.

John Endecott, Esq, was chosen Assistant, & tooke his oath to that place appertaining.

Harbert Pelham, Esq, was chosen Assistant, & tooke his oath to discharge that place.

Richrd Bellingham, Esq, was chosen Assistant, & tooke his oath.

Richrd Saltonstall, Esq, was chosen Assistant.

Mr John Winthrope, Iuni:, was chosen Assistant, & tooke his oath.

Mr Symon Bradstreete was chosen Assistant, & tooke his oath.

Increase Nowell was chosen Assistant, & tooke his oath.

Mr Thom: Flint was chosen Assistant, & tooke his oath.

Mr Willi: Hibbens was chosen Assistant, & tooke his oath.

Mr Samu: Symonds was chosen Assistant, & tooke his oath.

Mr Willi: Pinchen was chosen Assistant.

John Endecott, Esq, was chosen Maior Generall.

Increase Nowell was chosen Secretary.

Mr Richrd Russell was chosen Treasurer.

John Endecott, Esq, Harbert Pelhame, Esq, were chosen commissionrs for the United Colonies, & if eithr of them be hindered, Mr Bradstreete to supply, & if the other be hindred, Mr Dudley, ye Deputy Governr, is chosen.

It is ordered, that Leift Willerd shalbe capt of the company at Concord, & Tymo: Wheeler to be their ensigne there.

It is ordered, that Mr Wm Hathorne shalbe capt of Salem company, Thom: Lothrope leift, & Willi: Dixie ensigne, there.

[*124.] *It is ordered, that Leift Hum: Atherton shalbe capt of Dorchestr compa, Roger Clapp leift, & Hopstill Foster ensigne.

Ralph Blesdale is alowed to draw wine at Salsberry. 1646.

John Bourne is alowed to sèt up a cookes shop at Salem, so that he sell no beare above a penny a quart. 6 May.

Sudberry is freed fro^{m} y^{e} order about salt peeter.

Capt Pelham, Willi: Warde, & Edmond Rice are appointed & authorished to end small businesses at Sudberry.

Glocester is this time excused for not sending a deputy upon M^{r} Blindmans testimony, y^{t} he whom they chose was chosen before.

M^{r} Rich^{r}d Dum̄er, M^{r} Edwa: Rawson, & M^{r} Carleton are appointed a com̄ittee to search & examine things at Salsberry, & make returne of their thoughts thereabouts, (concerning y^{e} petition of some of y^{m} to be a distinct church,) and returne their thoughts.

Rich: Hollingworths petition is not thought fit to be granted.

Jane Hawkins is denied liberty to come to us.

Swifts land is by order of Court confirmed to Thomas White.

Upon y^{e} petition of Marblehead men, y^{e} Co^{r}t thinke fit to declare, y^{t} howsoev^{r} it hath bene alowed custome for forraigne fishermen to make use of such harbo^{r}s & grounds in this country as have not bene inhabited by Englishmen, & to take timber & wood at their pleasures for all their occasions, yet in these parts w^{ch} are now possessed, & y^{e} lands disposed in ꝑpriety to sev^{r}all townes & ꝑsons, & y^{t} by his ma^{ties} grant, und^{r} y^{e} great seale of England, it is not now lawfull for any person, eith^{r} fishermen or other, eith^{r} forreyner or of this country, to enter upon y^{e} lands so ap̄ꝑpriated to any towne or ꝑson, or to take any woode or timber in any such places, wthout y^{e} licence of such towne or ꝑprieto^{r}; & if any ꝑson shall trespas herein, y^{e} towne or ꝑprietor so iniured may take their remedy by action, or may ꝓserve their goods or other interest by opposing lawfull force against such uniust violence; ꝑvided, y^{t} it shalbe lawfull for such fishermen as shalbe implied by any inhabitants of this iurisdiction in y^{e} sev^{r}all seasons of y^{e} yeare to make use of any of o^{r} harbo^{r}s, & such lands as are neere adioyning, for y^{e} drying of their fish, or oth^{r} needfull occasions, as also to take such timber for firewood as they shall have necessary use of, for their fishing seasons, where it may be spared, so as they make due satisfaction for y^{e} same to such towne or ꝑprietor. 614– Marblehead. Fishermen takg timber, &c̃.

M^{r} Samu: Dudly, M^{r} Edw^{d} Rawson, M^{r} W^{m} Paine, & M^{r} Carleton are appointed to search & examine all differences at Hampton, & make returne of what they shall do or find in y^{e} ꝓmises to y^{e} next siting of this Co^{r}te, & have hereby pow^{r} on oath to examine witnesses. Hampton.

Micha: Powell is alowed to keepe an ordinary at Dedham. Dedham ordinary.

[For the names of persons made free 6 May, 1646, see the list at the end of this volume.]

1646. Mr Edwd Rawson, Mr Woodman, & Hen: Shorte, whom Newbry have chosen to be ordrers of their affaires, are authorished to end smal causes.

6 May. [*125.] Exeter small causes. *In answere to Excetter petition, Antho: Staniard, Samu: Greenfeild, & James Wall are authorished to end small causes there.

Cl: of the writts. John Legat to be clarke of ye writts there.

Exeter bounds. Mr Samu: Dudly, Mr Rawson, & Mr Carleton ar appointed a comittee to lay out Excetter bounds next to Hampton, & so round about them, ꝑvided there be no intrenching on ye bounds of ye lords pattents, & gentlemen mentioned in ye patent of Swampscoate, or in any grant formrly made to Dovr by this Courte.

Ch: Tow: cl: of the writts. Mr Edwd Mellowes is clarke of ye writts for Charlestowne.

Cutshamakin. It is ordered, yt Cutshamache shalbe alowed to buy two or three pound of swan shot, so as ye warrant be left wth ym yt sell it him.

Indiã Cap: Sable. It is ordred, yt ye Indian (who received & pylated or men home aftr they were left on shore, is to be sent home,) have a larg coate & 2 ℔ of tobacco given him by ye Corte, wch ye Treasurer is ordred to ꝑvide, & satisfy ye charge of his transportation when it shalbe required.

Wine impost. It is ordred, yt ye auditor genrall hath hereby powr, & is forthwth required, to go into all ye houses & cellers he knowes or suspects any wine to be yt is not entered into his booke, according to ordr; & the same to seize, distraine, & take possession of, so as it may be forthcoming to ye countryes use; & hereby all cunstables & othr officers are required to assist & ayde him in ye discharge of his duty, according to ordr, taking satisfaction for wt is entered, as ye law requireth; & ye auditor to give notice to such ownrs, whose wines he shall find confiscate, to appeare before ye Corte, to show cause why they should not be confiscate.

Linne drawr of wine. In answere to ye petition of Joseph Armitage, it is ordred, yt whoevr ye towne of Linn shall choose at a legall towne meeting to draw wine, he shall have librty to drawe wine there till ye next siting of this Cort; & ye same to be ꝑsented hereunto.

615– Keepr of the prison. It is ordered, yt George Muñings shalbe alowed 15t p @ for his service in ye place of a keeper of ye countryes prison, to wch he is chosen ovr, & beside ye appointed fees belonging to yt place, & yt he is freed from executing publike correction & execution.

Hingham mil. Leift Tory, upon his motion, is discharged from exrcisig ye trained band in Hingham; & ye care of ye compa is left to Ma: Ed: Gibons till due election be made & apꝑved of by this Courte.

Dedham. In answere to ye petition of Dedham for their greate swamp to be confirmed to ym, it is granted to them in ꝑpriety.

1646.

It is ordred, yt Robrt Turner should have 50l out of wt peag or othr pay shall come in from ye Narrogansets.

6 May. Ro: Turner.

Robrt Whitman is refered to ye inferior Corts, & such like petitionrs. Petitions.

Ralph Sprage & Edwd Conv'se are appointed to veiw ye bridge at Mistick, & what charge they conceive meete, to be psently expended for ye making it sufficient & pvent ye ruine thereof, or by furthr delay to endangr it, by agreeing wth workmen for ye compleate repairing thereof, & to make their returne to Mr Willowghby & Mr Russell, & wt they shall do herein to be satisfied out of ye treasury. Mistick bridg.

It is ordred, yt Dani: King shall appear before ye millitary officrs of ye east regimt, at their next meeting, who shall examine his allegations concrning his not appring, at dayes of training, to pforme such service as might have bene imposed upon him, & to pceede wth him according to lawe; but for time to come, ys Cort (in regard of his bodily infirmity) doth discharge him from attendance upon ordinary trainings, for any service in armes. Dan: Kinge.

*Mr Hugh Prichard is freed frō cōmon trainings at Roxberry for 12 m̊. [*126.]

It is ordred, yt if Mr Maverick & Mr Maning shall please to lay out 30s in cloathing in England for Wm Bunnell at his arivall, on their receit undr his hand for so much delivred by them to ye said Wm Buñell in England, this Corte determines it shalbe repaid them againe here. Hugh Prichard. Buñell.

In answere to ye petition of Wm Ivery, it is ordred, (in regard yr petitionr aleages his long absence from home, & publike service pformed where he then abode,) yt ye millitary officrs of ye east regimt shall convent him to their next meeting, & shall then heare & *ex* examine his allegations, & according to law, & ye execution to stay in ye meane time.

The inhabitants of Braintree, for answr to their petition, are refered to an ordr of Cort, made ye 7 m̊, 43, about cōmon feilds, &c. Braintree.

The Cort, consid'ring ye necessity of raising such manufactures of engins of mils to go by water, for speedy dispatch of much worke wth few hands, & being sufficiently informed of ye ability of ye petitionr to pforme such workes, grant his petition, (yt no othr pson shall set up or use any such new invention or trade for fourteen yeares, wthout ye licence of him, ye said Joseph Jenkes,) so farr as concernes any such new invention, & so as it shalbe alwayes in ye powr of this Corte to restraine ye exportation of such manifactures, & ye prizes of them, to moderation, if occasion so require. Jenkes monopolye.

The petition of divers of Dorchestr, Roxberry, &c, to ye numbr of 78, for ye continuance of such ordrs, wthout abrogation or weakening, as are in force agst Anabaptists, & othr erronios psons, whereby to hindr ye spreading or divulging of their errors, is granted. Pet. vs Anabapt.

1646. 6 May. Mr Rawson pr wine.

It is ordered, that Mr Rawson, ye officer appointed to receive ye custome of wine ye last yeare, shalbe alowed one fourth part of what is due to ye country on that ordr, in satisfaction of his charge, & expence of time expended on ye ꝑsecuting of that order, he giving ye auditor genrall an acçount thereof, yt so he may ꝑcure it in to defray ye country charges.

High waye, Hampton, &c.

In answere to ye petition of Hampton, Mr Waldren & Leift Haward are appointed to veiw ye neerest & best way frō Dover for Salsberry yt may be, wth least charge, through ye woods, or else, & to enforme ye cōmittee yt is appointed to examine the difference at Hampton, that so, they making returne thereof to ye next siting of this Cort, ye Corte may be ꝑvided to give a iust answere; & their fine is remited, yt was imposed by ye Corte at Ipswich, for their defect about their highway.

Fine remitted.

Powder to Boston, Ch: Tow.

It is ordred, yt Boston & Charlestowne shall have two barrels of powder purchased from ye benefit of ye impost of wine, & delivred them by ye auditor genrall, that so they may not be behind in returning cōmon salutes to vessels coming in amongst us; Boston to have ⅔ p̃ts, Charlestowne one third p̃t.

Wanertons house.

The busines about Mr Wannertons house & land, between Mr Shurt & Mr Robrt Saltonstall, is refered to the next session of this Corte, by consent.

[*127.]

Constab. power.

*It is ordred, by ye authority of this Courte, yt evry cunstable wthin or iurisdiction hath, by vrtue of his office, full powr to make, signe, & put forth pursuites, or hues & cries, aftr murthrers, manslayrs, peace breakrs, theeves, robers, burglarers, where no matrate is at hand; also, to apꝑhend wthout warrant such as are ovrtaken wth drinke, swearing, breaking ye Saboth, lying, vagrant ꝑsons, night walkers, or any other yt shall breake or lawes, in any of these; ꝑvided, they be taken in ye mannr, eithr by ye sight of ye cunstables themselues, or by ꝑsent information from others; as also to make search for all such ꝑsons, eithr on ye Saboth dayes, or at any othr time, when there shalbe occasion, in all houses licensed to sell eithr beare or wine, or in any othr suspected or disordered places, & those to apꝑhend, & keepe in safe custody, till oportunity serve to bring them before ye next magistrate for furthr examination; ꝑvided, when any cunstable is implied, by any of ye magistrates, for apꝑhending of any, he shall not do it wthout warrant in writing; & if any ꝑson shall refuse to assist any of or cunstables in ye execution of his office in any of ye things above mentioned, being by him required thereunto, shall pay for neglect thereof ten shillings to ye use of ye country, to be levied by any matrate before whom any such offender shalbe brought; & if it shall appear by good testimony yt any shall wilfully, obstinately, or contemptuously refuse or neglect to give assistance to any cunstable, as is before expresed, he shall

Refuseinge to assiste.

pay fortye shillings to y^e^ use of y^e^ country, upon y^e^ iust complaint of y^e^ cunstable as aforesaid; & y^t^ no man may pleade ignorance, when a cunstable shall require assistance, it is ord^r^ed, y^t^ ev^r^y cunstable shall have a staffe, w^th^ some remarkable distinction, ꝑvided by y^e^ towne, w^ch^ may be as a signe or badge of his office, & this staffe to take along w^th^ him, when he shall go fourth to discharge any ꝑt of his office, w^ch^ staffe shalbe black, & about five foote, or five & a halfe foote long, tiped at y^e^ upper end, about five or sixe inches, with brasse. 1646. 6 May. Tipstaffe.

For y^e^ better keeping of watches & wardes by y^e^ cunstables in times of peace, it is ord^r^ed, y^t^ ev^r^y cunstable shall ꝑsent to one of y^e^ next ma^trates^ y^e^ name of ev^r^y ꝑson who shall, upon lawfull warning, refuse or neglect to watch or ward, eith^r^ in ꝑson or by some oth^r^ sufficient for y^t^ service; & if, being so convented, he cannot give a iust excuse, such ma^trate^ shall grant warrant to y^e^ cunstable to levy five shillings of such offend^r^ for ev^r^y default, y^e^ same to be implied for y^e^ use of y^e^ watch of y^e^ same towne; & it is y^e^ intent of y^e^ lawe, y^t^ ev^r^y ꝑson of able body, (not exempted by lawe,) or of estate sufficient to huire anoth^r^, shalbe liable to watch, or to supply it by some oth^r^, when they shalbe thereunto required; & if there be in y^e^ same house diverse such ꝑsons, (wheth^r^ sonnes, servants, or soiourn^rs^,) they shall all be compelable to watch as aforesaid. 617– Watches.

It is ord^r^ed, y^t^ y^e^ Secretary should send forth warrants to all cunstables to bring in to one of y^e^ com̄ission^rs^ for the United Colonies y^e^ iust numb^r^ of all y^e^ males within the severall townes between the ages of 16 & 60, by y^e^ end of y^e^ 4^th^ *month next, that y^e^ charge of y^e^ late expedition, &c, & y^e^ wampa^m^ due fro^m^ y^e^ Narragansets, may be duely ꝑportioned, & y^t^ for time to come y^e^ com̄ission^rs^ for y^e^ United Colonies shall, upon all such occasions, send forth their owne warrants to y^e^ cunstables for y^e^ same purpose, y^t^ this Co^r^te may not be troubled therew^th^, nor y^e^ service neglected. 618– Numb. of males. [*128.]

Forasmuch as great harme hath bene done by fires, w^ch^ have bene kindled in y^e^ feilds abroad at unseasonable times, w^ch^ fires have bene often occasioned by taking tobacco, & much time thereby unꝑfitably expended, —

It is therefore ordered, y^t^ no ꝑson, after y^e^ end of y^e^ 4^th^ m̄ next, shall take any tobacco in any com̄on ground, or feild inclosed, or yardes, or oth^r^ open place out of dores, upon paine of two shillings for every such offence, beside recompence of all damages, according to a form^r^ order; ꝑvided, nevertheles, y^t^ it shalbe lawfull for any man y^t^ is on his iourny (remote from any house five miles) to take tobacco, so that thereby hee sets not y^e^ woods on fire to y^e^ damage of any man. 619– Tobacko fires.

1646.

22th 3th Mo, 1646.

22 May. Wine imposte. In answere to ye petition of Robrt Ensome, Mr Edwd Witheridge, Mr John Wheate, & ye rest, this Corte haveing taken into consideration the request of the said petitionrs, it is hereby ordred, that they, the said petitionrs, shall have the one halfe of the customes of their wines abated them, vizſ, five shillings upon a butt or pipe, ꝑvided they, ye said petitioners, do (bona fide) make a true entry of all the wines they have landed, & that wthin two dayes next after notice given them by ye auditor genrall, or any appointed by him for that end, & that they, ye said petitionrs, do make payment to ye auditor aforesaid of the other halfe part of ye said customes, vizſ, five shillings upon a butt or pipe, & that in such pay as is ꝑvided in a former order, wch requires tenn shillings custome upon a butt; & in case any ye said petitionrs shall delay to make a true entry of their wines, as is aforesaid, that then all such said wines that are already forfeited by any such petitionr for none enterance, shalbe seized upon by way of distresse, according to a speciall warrant given to ye said auditor genrall, for that end & purpose.

620– For ye better recovering of any custome of wines, or forfeitures for not entering according to any order or orders of this Corte, & for refusall of paymt of such customes according to such order or orders, to ye satisfaction of ye auditor genrall, it is ordred by ye Corte, yt ye said auditor hath power, & is hereby required, to go into all ye houses or cellers he knoweth or suspecteth any wine to be, & from time to time shall seize upon such wines as are not entered, & also seize upon & take possession of so much wines, ꝛc, as to make paymt of what custome is due, according to entryes made, & is refused or neglected to be paid in due mannr, according to such order; & hereby all cunstables & othr officrs are required to assist & ayde ye auditor in ye discharge of
[*129.] his dutye, & helping to breake open such houses or cellers, if *the owners of such wines shall refuse to open their dores or deliver their keyes in a peacable way.

Mr Ro: Saltonstall. In answere to ye petition of Mr Robrt Saltonstall, the Corte is wiling to alow ye petitionr ye land desired, so as he will accept it as a part of yt ꝑportion due to Sr Richr Saltonstall in this iurisdiction, & formrly granted to him, but no place yet assigned.

Powder to Salem. The towne of Salem is granted two barrels of powdr more to ye foure wch were formerly granted them for publike use, to keepe & have in a readines for ye countryes service.

Indians. The law wch forbids ye intertaining of any Indian into service wthout alowance of ye Corte is repealed, there being more use of incuragemt thereto then otherwise.

In answere to y^e^ petition about Pascataq, it is ord^r^ed, that y^e^ two Co^r^tes of Pascataq should be kept yearely at Dover, one on y^e^ 4^th^ of y^e^ last weeke in y^e^ 2^d^ m̊, & y^e^ oth^r^ on y^e^ 4^th^ day of the first weeke in y^e^ 8^th^ m̊, by any one or two of y^e^ ma^trates^, & such com̄ission^r^s, or any one of y^m^, as shall fro^m^ time be appointed by this Co^r^t; & if this Co^r^te will not ord^r^ what magistrates will attend y^e^ service, y^e^ Co^r^t of Assistants, (or in default) y^e^ Gov^r^no^r^, may designe them for y^e^ Co^r^t then next to ensue; & it is hereby declared, y^t^ y^e^ inhabitants of Pascataq have no oth^r^ liberties concerning tryalls & suites in lawe then y^e^ inhabitants of Salem & oth^r^s of oth^r^ partes of this iurisdiction have, & y^t^ no Court be kept w^th^out one ma^trate^; & it is ordered, y^t^ for this p̄sent yeare M^r^ Bellingham & M^r^ Saltonstall, or one of them, are appointed for keeping y^e^ Co^r^te in y^e^ 8^th^ m̊ next, & another Co^r^te sometime before, when themselues thinke it meete; & Capt̃ Wiggen, M^r^ Smith, & Ambros Gibons are appointed com̄ission^rs^ to assist in y^e^ Co^r^tes for this yeare.

1646. 22 May. 621– Piscataq^k^. Courts. Trialls.

Willi: Waldren is nominated for recorder at Dover, till y^e^ Co^r^te shall take further order. Recorder Douer.

It is ordered, y^t^ M^r^ George Smith shall be one of y^e^ three men to end small causes und^r^ 20^s^ at Dover. Small causes Dou.

Thom: Laughton, Edw^d^ Burcham, & Thom: Putman are appointed to end small causes at Linn. Sm. caus., Linne.

It is thought iust y^t^ Edm^o^ Gardner should be fully satisfied; but they conceive y^t^ it is to be paid out of the towne of Ipswich, & not fro^m^ y^e^ country. Edw: Gardiner.

Alexand^r^ Beck haveing form^r^ly bene at great charge w^th^ some infirme p̄sons in y^e^ prison, & now, since y^e^ keepers death having kept Burcham & Redman, being both sick, & so continuing, it is desired, y^t^ y^e^ auditor gen^r^all may examine his accounts, & ord^r^ his p̄sent satisfaction, & furth^r^ ord^r^ to be taken to discharge him of y^e^ said prisoners, he p̄fesi^g^ himselfe unable to keepe them any longer, wanting sustinance for his owne family. Al: Beck.

Forasmuch as delayes in executing iustice is dangeros to any state, & whereas many offenders are punished onely by fines or pecuniary mulcts & pœnalties, w^ch^ if there be delay or neglect in offic^r^s, y^t^ such fines are not duely levied, *then sinn is unpunished, & y^e^ name of God may thereby suff^r^, — [*130.]

622– Fines to be leuied.

It is therefore ordered, by y^e^ authority of y^e^ Gen^r^all Courte, y^t^ any offender y^t^ shalbe fined for y^e^ breach of any pœnall lawe, such p̄son or p̄sons so offending shall forthw^th^ pay his or their fine or pœnalty, or put in security speedily to do it, or else to be imprisoned or kept to worke till it be paid, y^t^ no losse may come to y^e^ com̄on wealth; p̄vided, also, y^t^ if y^e^ ma^trates^ shall thinke meete to respit any fine or pœnalty for a season, yet when its due, & what oth^r^ fines or debts be already due to y^e^ country, y^e^ marshall for y^e^ time being

1646. 22 May. shall take his oath to be faithfull in the doing y^e^ duty of his place in levying & returning of the same, or else to be himselfe lyable to such fine as any Co^r^te of iustice shall impose on him for his neglect.

In answere to y^e^ petition of James Heyden & p̃tn^r^, ferrimen, & for y^e^ satisfaction of all other ferrimen, y^t^ there may be no mistake who are freed, or should be passage free, & how long, —

623– Passage of magist. & deptyes, &c̃. It is declared, y^t^ y^e^ hono^r^ed ma^trates^, & such as are, or fro^m^ time to time shalbe, chosen to serve as deputies at y^e^ Gen^r^all Courte, w^th^ both their necessary attendants, shalbe passage free over all ferryes; & by necessary attendants wee meane a man & horse, at all times dureing y^e^ time of their being ma^trates^ or deputies, but nev^r^ intended all y^e^ families of eith^r^, at any time, & y^t^ y^e^ ord^r^ neith^r^ exp̃seth nor intendeth any such thing.

Whereas this Co^r^te hath passed an ord^r^ for y^e^ free passage of y^e^ ma^trates^ & deputies of y^e^ Gen^r^all Co^r^te, & y^e^ necessary attendants of both, as in y^t^ ord^r^ appeareth, & y^t^ y^e^ ferrimen of Charlstowne may not loose by y^e^ transportation of them abovesaid, w^th^ grand iury, petty iury men, prison^r^s, keepers, &c̃, y^e^ Co^r^te hath by a com̃ittee agreed w^th^ y^e^ said ferrymen for y^e^ time past to be alowed 4^t^ p̱ @ since that order, & 6^t^ p̱ @ for y^e^ time to come; these pay-m^ts^ to be made & alowed annually by y^e^ Treasurer.

Boston, y^e^ 15^th^ 3^th^ m̃, 1646.

Order for a synode. The right forme of church gov^r^mn^t^ & discipline being agreed p̃t of y^e^ kingdome of Christ upon earth, therefore y^e^ establishing & settleing thereof by y^e^ ioynt & publike agreem^t^ & consent of churches, & by y^e^ sanction of civill authority, must needs greatly conduce to y^e^ hono^r^ & glory of o^r^ Lord Jesus Christ, & to y^e^ settleing & safety of church & com̃on wealth, where such a duty is diligently attended & p̱formed; & in asmuch as times of publike peace, w^ch^ by y^e^ m^r^cy of God are vouchsafed to these plantations, but how long y^e^ same may continue wee do not know, are much more com̃odious for y^e^ effecting of such a worke then those troublesome times of warr & of publike disturbances thereby, as y^e^ example of o^r^ deare native country doth witnes at this day, where by reason of y^e^ publike com̃otions & troubles in y^e^ state of [*131.] reformation *of religion, & y^e^ establishing of y^e^ same is greatly retarded, & at y^e^ best cannot be p̱fected w^th^out much difficulty & danger, & whereas divers of o^r^ Christian country men & freinds in England, both of y^e^ ministry & oth^r^s, considering y^e^ state of things in this country in regard of o^r^ peace & otherwise, have sundry times, out of their broth^r^ly faithfulnes, & love, & care of our weldoing, earnestly by lett^rs^ from thence solicited, & called upon us y^t^ wee would not neglect y^e^ oportunity w^ch^ God hath put in our hands for y^e^

effecting of so glorious & good a worke as is mentioned, whose advertisem^ts^ are not to be passed over without due regard had thereunto, & consid^r^ing w^th^all y^t^, through want of y^e^ thing here spoken of, some differences of opinion & practice of one church fro^m^ anoth^r^ do already appeare amongst us, & oth^r^s (if not timely p̄vented) are like speedily to ensue, & this not onely in lesser things, but even in pointes of no small consequence & very materiall, to instance in no more but onely those about baptisme, & y^e^ p̄sons to be received thereto, in w^ch^ one p̄ticular y^e^ ap̄phensions of many p̄sons in y^e^ country are knowne not a little to differ; for whereas in most churches the minist^rs^ do baptize onely such children whose nearest parents, one or both of them, are setled memb^rs^, in full com̄union w^th^ one or other of these churches, there be some who do baptize y^e^ children if y^e^ grandfather or grandmother be such members, though the im̄ediate parents be not, & oth^rs^ though for avoyding of offence of neighbo^r^ churches, they do not as yet actually so practice, yet they do much incline thereto, as thinking more liberty and latitude in this point ought to be yeilded then hath hitherto bene done, & many p̄sons liveing in y^e^ country who have bene members of y^e^ congregations in England, but are not found fit to be received at y^e^ Lords table here, there be notw^th^standing considerable p̄sons in these churches who do thinke that y^e^ children of these also, upon some conditions & tearmes, may & ought to be baptized likewise; on the oth^r^ side there be some amongst us who do thinke that whatever be y^e^ state of y^e^ parents, baptisme ought not to be dispensed to any infants whatsoever, w^ch^ various ap-p̄hensions being seconded w^th^ practices according thereto, as in part they already are, & are like to be more, must needs, if not timely remedied, beget such differences as wilbe displeasing to the Lord, offensive to others, & dangerous to our selues, therefore for the further healing & preventing of the further groth of the said differences, and upon other groundes, and for other ends aforementioned. 1646. 22 May.

*Although this Courte make no question of their lawfull power by the word of God to assemble the churches, or their messeng^rs^, upon occasion of counsell, or any thing w^ch^ may concerne the practise of the churches, yet because all members of the churches (though godly & faithfull) are not yet clearely satisfied in this point, it is therefore thought expedient, for the p̄sent occasion, not to make use of that power, but rather to expresse o^r^ desire that the churches will answere the desire of this p̄sent Generall Co^r^te, that there be a publike assembly of the elders & other messengers of the severall churches within this iurisdiction, who may come together & meete at Cambridge upon the first day of September now next ensuing, there to discusse, dispute, & cleare up, by the word of God, such ques- [*132.]

1646. 22 May. tions of church governm^t & discipline in y^e things aforementioned, or any oth^r, as they shall thinke needfull & meete, & to continue so doing till they, or y^e maior part of them, shall have agreed & consented upon one forme of gov^rment & discipline, for the maine & substantiall p̃ts thereof, as that w^ch they iudge agreeable to the Holy Scriptures, which worke, if it be found greater then can well be dispatched at one meeting, or session of y^e said assembly, they may then, as occasion & neede shall require, make two sessions or more, for y^e finishing of y^e same; & what they shall agree upon they shall exhibite y^e same in writing to y^e Govern^r, or Deputy Gov^rn^r, for y^e time being, who shall p̃sent y^e same to y^e Gen^rall Courte then next ensuing, to y^e end that the same being found agreeable to y^e word of God, it may receive from the said Gen^rall Co^rte such ap̃bation as is meete, that y^e Lord being thus acknowledged by church & state to be o^r Iudge, o^r Law̃giver, & o^r King, he may be graciously pleased still to save us, as hith^rto hee hath done, & glory may still dwell in o^r land, truth & peace may abide still in these churches & plantations, & o^r posterity may not so easily decline fro^m y^e good way, when they shall receive y^e same thus publikely & solemely com̃ended to them, but may rath^r ad to such begiñings of reformation & purity as wee in o^r times have endeavo^red after, & so y^e churches in Newe England may be Jehovahs, & hee may be to us a God from gen^ration to generation.

[*133.] *And as for y^e cost & charges of y^e said Assembly, its thought meete, iust, & equall that those churches who shall thinke meete to send their eld^rs & messeng^rs shall take such care as that, dureing their attendance at y^e said Assembly, they may be p̃vided for, as is meete, & what strangers or oth^rs shall, for their owne edification, be p̃sent at the said Assembly, they to p̃vide for themselues & bear their owne charge. And, forasmuch as y^e plantations w^thin y^e iurisdictions of Plimoth, Co̅nectecott, & Newe Haven are combined & united w^th these plantations w^thin y^e Massachusets, in y^e same civill combination & confederacy, —

It is therefore hereby ordered & agreed, that y^e churches w^thin y^e said iurisdictions shalbe requested to send their elders & messeng^rs to y^e Assembly aforementioned, for w^ch end y^e Secretary for y^e time being shall send a sufficient number of coppies of this p̃sent declaration unto y^e eld^rs of y^e churches w^thin y^e iurisdictions aforementioned, or unto y^e governer or govern^rs, com̃ission^r or com̃ission^rs, for y^e said confederate iurisdictions respectively, that so those churches, haveing timely notice thereof, may y^e bett^r p̃vide to send their eld^rs & messengers to y^e Assembly, who, being so sent, shall be received as p̃ts & members thereof, & shall have like lib^rty & pow^r of disputing & voting therein, as shall y^e messeng^rs & eld^rs of y^e churches w^thin y^e iurisdiction of y^e Massachusets.

1646.

This Co^rte thankfully accepts of y^e labo^rs returned by y^e sev^rall com̄ittees of y^e sev^rall sheires, & being very unwiling such ꝑcious labo^rs should fall to y^e ground w^thou^t y^t good successe, as is gen^rally hoped for, have thought it meete to desire Rich^rd Bellingham, Esq^r, M^r Symonds, Leif^t Duncan, Leif^t Johnson, & M^r Ward do cause each com̄ittees returne about a body of lawes to be transcribed, so as each com̄ittee may have y^e sight of y^e others labo^rs, & that y^e ꝑsons mentioned in this order be pleased to meete together at or before y^e 10^th of August, at Salem or Ipswich, & on their ꝑusing & examining y^e whole labo^rs of all y^e com̄ittees, w^th y^e abreviation of y^e lawes in force, w^ch M^r Bellingham tooke greate store of paines, & to good purpose, in and upon y^e whole, & make return to y^e next session of this Co^rte, at w^ch time y^e Co^rt intends, by y^e favo^r & blessing of God, to ꝓceed to y^e establishing of so many of them as shalbe thought most fit for a body of lawes amongst us.

22 May. Com̄ittees for the lawes.

M^r Allen, Anthony Eames, & John Merrick are appointed to end small causes at Hingham, till y^e next session of this Co^rt.

The surveyor gen^rall acknowledged his haveing received y^e two guns of M^r Fowle, w^ch were lent him. Hee is discharged.

[*134.] Com̄iss^rs to Mons^r D'Aulnay.

*Whereas there was heretofore a peace agreed upon between Moun^r D'Aulney, k^t, gov^rn^r & leif^t gen^rall for y^e King of France, of y^e coast of Acady, country of New France, by his agent, Mouns^r Marie, on y^e one p̃t, & y^e Gov^rn^r & magistrates of y^e Massachusets Bay in Newe England, on y^e other p̃ty, w^ch had reference to an assent thereto to be given by the oth^r iurisdictions in Newe England in confederation w^th them, w^ch assent was aft^rwards given, und^r y^e hands of y^e com̄ission^rs of y^e United Colonies, & in Octob^r last sent to y^e said Mouns^r D'Aulney, to have bene by him subscribed & returned to us; & whereas y^e said Mouns^r D'Aulney did then make difficulty & demurred upon y^e subscription thereof, in regard of some iniuries & damages hee alleadged to be sustained by some of o^rs, requiring satisfaction thereof before he would subscribe y^e peace, desiring that wee would therefore, at this time, send certeine agents, qualified & authorished to treate w^th him & his agents, & compound the same, —

Wee, therefore, y^e Gov^rn^r, Deputy Gov^rn^r, magistrates, & deputies, making y^e Gen^rall Co^rte at Boston, wherein y^e supreame pow^r & authority of this iurisdiction resideth, (being desiros that a iust & equall peace may be kept & maintained between y^e two nations, & w^th y^e said Mouns^r D'Aulney, & all o^r neighbo^rs, & o^rselues, & being wiling also to gratify y^e said Mouns^r D'Aulney in this his request of a treatye, y^t so it may for his satisfaction be fully manifested to him how innocent wee are concerning those wrongs hee supposeth wee have done him, & how, out of y^e desire of peace, & mutuall trade &

1646. 22 May. comerce w^th^ him, wee would have suppssed o^r^ greifes, & borne o^r^ losses by him & his, suff^r^ed in silence, if hee had not thus pressed us to a complaint thereof,) have hereby authorished & appointed o^r^ much hono^r^ed & right trusty & welbeloved Thom: Dudley, Esq^r^, y^e^ Deputy Gov^r^n^r^ of this iurisdiction, & o^r^ faithfull & worthy freinds, Maior Daniell Dennison & Capt W^m^ Hathorne, o^r^ comissionrs and agents for us, & in o^r^ names & steades to treate w^th^ y^e^ said Mouns^r^ D'Aulney, or his comissionrs sent from him, w^th^ like plenary power & authority as wee hereby give unto yo^u^, o^r^ comissionrs & agents, for y^e^ determining & compounding of all differences & greivances between him & o^r^selves, authorishing & giving unto yo^u^ hereby full & absolute power to agree & determine all grievances, complaints, iniuries, losses, violences, & damages w^ch^ shall appear unto yo^u^, or w^ch^ shalbe supposed to have bene done or ppetrated, eith^r^ by us or any of o^r^s against him, or by him or any of his against us, or any of ours, hereby obliging o^r^selves to stand to, abide, & pforme whatsoev^r^ yo^u^ shall, und^r^ yo^r^ hands, testify so to have agreed unto. In testimony whereof, wee have hereunto affixed o^r^ publike seale, & have caused o^r^ Secretary to subscribe the same, this ^ day of ^ old stile, in y^e^ yeare of o^r^ Lord 1646.

[*135.] *At a Gen^r^all Co^r^te, held at Boston, y^e^ 3^th^ m, 1646.

Mons^r^ Daulny. Whereas it hath bene aleaged by Mouns^r^ D'Aulney that this colony or gov^r^nm^t^ of y^e^ Massachusets hath acted in y^e^ expedition of Latore & Capt Hawkins against Mouns^r^ D'Aulney, yo^r^ Co^r^te, haveing taken into consideration & throughly examined y^e^ pmises in y^t^ pticuler, doth hereby declare y^t^ this gover^mt^ hath not had any hand in y^e^ said expedition ag^st^ y^e^ said Mouns^r^ D'Aulney, or any act of hostility comitted, eith^r^ by Latore, or Capt Hawkins, or any oth^r^ French or English else, in y^t^ warr; neith^r^ did this Generall Co^r^te, wherein y^e^ supreame power of this iurisdiction resideth, formerly or laterly alow of any private lett^rs^ (written from any man, wheth^r^ Govern^r^ for y^e^ time being, or any oth^r^ publike pson or psons whatsoever) to be an act of this state to ingage this colony in any designe, w^th^out y^e^ consent of this Co^r^t first had & obtained, & y^e^ same therein expressed; neith^r^ hath this Co^r^te given or consented unto any such private letter whatsoever to be written from any man touching this perticuler.

At a Gen^r^all Co^r^te, held y^e^ 3^th^ m, 1646.

Close comittee for instructions & preparations. Whereas Thom: Dudley, Esq^r^, Deputy Gov^r^, & two oth^rs^ are chosen comissionrs by this Co^r^te to go to Penobscot, there to treate w^th^ Mouns^r^ D'Aulney or his agents concerning y^e^ ptended differences between him & this

goverm^{t}, this Co^{r}te doth order & appoint, & doth hereby give full power & comission to Maior Gen^{r}all Endecott, M^{r} Rich^{r}d Bellingham, Capt Rob^{r}t Bridges, M^{r} Franc Willoughby, & M^{r} Duncan, to be a close comittee, to drawe up & give out such instructions to y^{e} said Thom: Dudley & the rest as they shall, to their best skill & wisdome, see most conduceing to y^{e} psent & future peace & welfare of this colony, wthout making knowne y^{e} same to y^{e} Gen^{r}all Co^{r}te untill y^{e} said comission^{rs} shall returne; as also y^{e} said comittee hath hereby full power to order & appoint how many attendants y^{e} said comission^{rs} shall have, & their wages; as also shall take care for a convenient portion of money for y^{e} said comission^{rs} to carry wth them, & for their pvisions befiting their psons, & suitable to y^{e} service, & what alowance shalbe given the said comission^{rs} for their paines & time expended, & damage in their owne domestick busines in their absence, & for the appointing of an interpreter, & huiring of a vessell, wth all oth^{r} requisits that conc^{r}ne this service. 1646. 22 May.

This Co^{r}te consid^{r}ing y^{t} y^{e} Deputy Gov^{r}n^{r}, in regard of his age, may (through sicknes, or oth^{r} bodily infirmity) be disabled for y^{e} voyage at such time as y^{e} comission^{rs} are to go to Penobscot, it is therefore ord^{r}ed, y^{t} in such case M^{r} Bradstreete shall supply y^{t} place of a comission^{r} for that service, as a reserve in case, &c; & if y^{e} Deputy Governo^{r} goeth not, Maior Denison shalbe discharged this service. Supply in case, &c.

*M^{r} Willoughby is chosen & appointed a reserve in case Captaine Hathorne, by reason of some hand of God, y^{t} is not foreseene, & cannot be pvented, should not be able to go to Penobscot, to Mouns^{r} D'Aulney; then M^{r} Willoughby to be as comission^{r} in his roome. [*136.]

W^{m} Witter not appearing at this Co^{r}te, according to y^{e} ord^{r} of y^{e} Co^{r}te of Salem, y^{e} Co^{r}te doth conceive it fitt y^{t} y^{e} maior gen^{r}all do take ord^{r} for his appearance at y^{e} next Co^{r}te of Assistants, at Boston, there to answere & to be proceeded wth according to y^{e} merit of his offences. Witter.

At a Gen^{r}all Co^{r}te, at Boston, the 6th 3th m, 1646.

Cutshamache, sagomore of y^{e} Massachusets, came into y^{e} Co^{r}te, & acknowledged y^{t} for y^{e} sume of 6^{li} & a coate, w^{ch} he had already received, hee had sould to M^{r} John Woodbridge, in behalfe of y^{e} inhabitants of Cochichawick, now called Andiver, all his right, interest, & priviledge in y^{e} land 6 miles southward fro^{m} y^{e} towne, two miles eastward to Rowley bounds, be y^{e} same more or lesse, northward to Merrimack Ryver, pvided y^{t} y^{e} Indian called Roger & his company may have lib^{r}ty to take alewifes in Cochichawick River, for their owne eating; but if they eith^{r} spoyle or steale any corne or oth^{r} fruite, to any consid^{r}able value, of y^{e} inhabitantes there, this lib^{r}ty of taking Andouer. Indians right.

1646. 22 May. fish shall forever cease; & ye said Roger is still to enioy foure acres of ground where now he plants. This purchase ye Corte alowes of, & have granted ye said land to belong to ye said plantation for evr, to be ordred & disposed of by them, reserving liberty to ye Corte to lay two miles square of their southerly bounds to any towne or village yt hereafter may be erected thereabouts, if so they see cause.

Cutshamache acknowledged this before ye magistrates, & so ye Corte appveth thereof, & of the rest in this bill to be recorded, so as it ꝑiudice no former graunt.

Luthers wid. In the case of ye widow Luther, it is agreed, yt, ye mrchants being alowed so much as they have disbursed for ye redemption of her sonne, ye widow shall have what shalbe behind upon account of her husbands wages, ꝓvided this shalbe no ꝑsident in ye like case wch may fall out hereafter, but that, upon cleare knowledge of ye sea custome & ye iustice thereof, ye Corte may determine as they shall find to be agreeable to lawe & iustice.

Jos: White. The Courte doth approve of ye puting forth of Joseph White to Sampson Shore, of Boston, taylor, for seaven yeares from ye 21th 3th m̃, 1646, & at ye end of yt time to have double apparell, as in ye indenture in ye hand of Wm Parks.

Sarah Thorne. Sarah Thorne, who is distracted at ꝑsent, or crasy brained, is for ꝑsent placed wth Alexandr Beck dureing ye pleasure of ye Corte; & hee is to have 5t ꝑ @ out of ye treasury while shee continueth wth him.

Pequod plant. Whereas John Winthrope, Iunior, & othrs have, by alowance of this Corte, begun a plantation in ye Pequod country, wch apꝑtaines to this iurisdic-

[*137.] tion as p̃t *of or ꝓportion of ye conquered country, & whereas this Corte is informed yt some Indians, who are now planted upon ye place where this said plantation is begun, are wiling to remove from their planting ground for ye more quiet & convenient settleing of ye English there, so that they may have anothr convenient place appointed, —

It is therefore ordred, yt ye said Mr Winthrope may appoint unto such Indians as are willing to remove othr lands on ye othr side, yt is, on ye east side of ye great ryver of the Pequod country, or some other place for their convenient planting & subsistence, wch may be to ye good likeing & due satisfaction of ye said Indians, & likewise to such of ye Pequod Indians as shall desire to live there, submiting themselues to ye English goverm̃t, (reserving to ye comissionrs of ye United Colonies what ꝓꝓly belongs to their disposing concrning ye said Pequods,) & also to set out ye place for ye said plantation, & to set out lots for such of ye English as are there already planted, or shall come to them, & to governe ye people according to lawe, as occasion shall

require, untill this Co^rt shall take further ord^r therein; & whereas M^r Thom: Peter is intended to inhabite in y^e said plantation, this Co^rte doth thinke fit to ioyne him to assist y^e said M^r Winthrope, for y^e better carriing on y^e worke of y^e said plantation according to this ord^r. 1646. 22 May.

The deputies haveing bene comfortably ꝑvided for, and w^th due attendance, y^e Co^rte hath voted, y^t Hugh Gunnison shalbe paid w^th y^e first, eith^r out of y^e custome of wines or y^e wampam from y^e Narragansets, when those bills w^ch are charged thereupon are satisfied, & y^t his servants be alowed out of y^e treasury 20^s for their service. Hugh Gonison.

It is also voted, y^t y^e servants of James Penn and helpes should have 20sh^s. Seruants gratuitye.

It is ord^red, y^t y^e 11^th of y^e 4^th month should be a day of thanksgiving. Day of thanksgiuinge.

The Co^rte is adiourned to y^e first 4^th day of y^e 8^th m̃. Adio^rnament.

M^r Saltonstall tooke y^e oath of an Assistant y^e 17^th 5^th m̃, 46. M^r Saltonstall, Pincheon, sworne.

The 15^th of the 6^th m̃, 1646, M^r Pinchin tooke y^e oath.

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*At a Session of the Gen^rall Co^rt, 7^th of the 8^th M^o.

[*138.] 7 October.

IT is ordered, that whatsoever appears due to the widow Wilson from the country, with respect to her late husbands wages, ꝛc, appearing und^r the hands of the Treasurer, shee shalbe forthw^th paid & satisfied by Rich: Fairbanks, as farr as that comes to, w^ch he oweth the country for the custome of wines, & the rest by the Treasurer, so as she depart the prison house & quietly resigne it to the keeper. Wid. Wilson.

Whereas, being now met at this Gen^rall Co^rte, the 8^th m̃, 1646, the Co^rte hath found it necessary to send an agent into England to negotiate for this colony w^th the Parliament, from w^ch wee have lately suffered, for that there was none there to informe the same in our behalfe; & whereas the Treasurer saith he hath not any thing of the countryes in his hands to furnish such an agent for such a voyage, nor to defray the charges of the Co^rtes, nor pay the debts the country owes; wee do conceive, that there is ungathered up of rates formerly asseased, & the fines heretofore imposed upon severall ꝑsons, sufficient to discharge a great part of the debts of the country, & that the cause of o^r ꝑsent wants lyes in the cunstables, marshall, audito^r, or treasurer, in not doing their duties therein, according to lawes for the same already provided; we do therefore desire, that all these officers may be ꝑsently called to account, & that where ever the fault is found, such ꝑsons may be ꝓceeded against according to law, the rather because wee ꝓceive a likelihood of ꝑsent Officers to be called to account.

1646. dissolution of Co^rts, & o^r owne ruine not long after to follow, if this be not done; we have therefore chosen M^r Hibbens, Capt̃ Keayne, & the surveyer gen^rall as a comittẽ to examine the ꝑsons above mentioned, & their accountes, & make their report to the next siting of this Co^rte on the 5^th of the 9^th month next.

7 October. Comission for it.

Upon the petition of John Newton, the audit of the accounts between M^r Samu: Cooke & M^r Edw^d Allen being ꝑfected ready to be ꝑsented, the Co^rte hath named the Secretary & M^r Willoughby (considering the necessity of the expedition of the case) a comittee to heare & order the matter of this petition, w^th reference of the same to the iudgm^t of this Co^rte.

M^r Cooke, Allen.

Upon the petition of Thomas Foster, for 17^t 10^s, (w^ch he saith is due to him,) the Co^rte thinke it iust that *this petition^r should be spedily satisfied his due, & for that end have chosen M^r Pelham & Capt̃ Keayne as a comittee to examine the petition, & to certify this Co^rt what they find to be due.

Tho: Foster. [*139.]

Our hono^red Gov^rn^r, Deputy Gov^rn^r, Rich: Bellingham, Esq^rs, & M^r Auditor Gen^rall are appointed a comittee to ꝑuse & examine all the answ^rs y^t are brought into this Co^rte to y^e petition of Docto^r Child & M^r Fowle, &c, & out of all to draw up such an answ^r thereto as they thinke most meete, & ꝑsent y^e same to this Co^rte, & furth^r to treate w^th M^r Winslow, & to agree w^th him as an agent for us, to answer to what shalbe obiected against us in England, giveing engagement to y^e said M^r Winslow accordingly.

Comittee for D^r Child, &c, petition, & about M^r Winslowe.

Mast^r Treasurer, M^r Audito^r Gen^rall, & M^r Sparhauke are appointed a comittee to examine all matt^rs of account mentioned & desired to be audited, by y^e lett^r of M^r Wells, w^th M^r Downing & any other whom such accounts may concerne, & w^th what convenient speede they may, & they are hereby authorished w^th power to sumon any inhabitant amongst us at their appointed times, to give in their accounts to them, y^t so a true report of what they find in y^e ꝑmises may be made to y^e next session of this Co^rte.

Comittee about M^r Welds Ere, &c.

It is ord^red, y^t forthw^th warrants issue out of y^s Co^rte to y^e cunstables of each of y^e five combined townes, who ar ingaged about y^e garrison at y^e Castle, to sumon all y^e inhabitants of each towne to meete togather, & forthw^th to appoint some fro^m amongst themselues speedily & w^thout delay, to discharge those sev^rall engagem^ts of theirs, for y^e maintenance of y^e garrison for y^e yeare past, as also to ꝑvide sufficient pay for y^e discharging their engagem^ts thereabouts for y^e time to come, & appoint some one or two men of each towne to be engaged therefore to y^e satisfaction of y^e souldi^rs, y^t so y^e Castle be not layd wast aft^r all y^s charge.

Castle Ild.

Whereas there is no ord^r made appointing who shall end causes in townes und^r y^e value of 20^s where one onely ma^trate dwels, & y^e cause conc^rnes him-

Small causes, wh. a magist^t is a partye. 624–

self, it is therefore hereby ordred, yt in such cases ye 5 or 7 or more men in evry such towne, wch are selected for prudentiall affaires, shall have power to heare & determine such cases, & to grant execution for ye levying & gathring up such damages for ye use of ye pson damnified. 1646. 7 October.

Whereas by a formr ordr ye defendt is to have sixe dayes warning by ppces before ye time of his appearance, &c, & no pvision made in ye said order for suddaine occasions, wch may concrne strangrs or othrs, when there is not so much time before ye next Corte, nor can they stay till a Cort aftr, it is therefore ordred, yt in all such cases ye clarke of ye writs (× warrant from one of ye next matrats, who is to weigh ye necessity of the case) may grant ppces for ye defendts appearance at ye next Corte, & the same Corte may require ye defendt to answr, (if they see iust cause so to do,) though hee hath not had six dayes warning, as in the formr ordr is appointed, & ye clarke of ye writs is to mention in ye ppces upon what matrats warrant hee granted ye same. 625– Whr a deft shall answr wthout 6 days warninge.

Upon ye petition of ye sagamr of Agawam, for librty for one of or smiths to amend his gun, it is ordred, yt warrant shalbe granted. Agawm sach.

Nicholas Pottr, being chosen by ye towne of Linn to draw wine there, is granted so to do. Linne wine lic

Upon ye petition of some of Hingham, yt Capt Atherton may be appointed ye next training day at Hingham, there to see their ppceedings in their election, & accordingly to make report to ye next session of this Cort, this desire of theirs is consented to. Hingham. Leiut Atherton.

Upon the petition of Capt Jeanison, Rich: Browne, Robrt *Keayne, Richrd Parker, Eldr Heath, Leift Hewes, John Johnson, & othrs, for their land, formrly granted, between the lines of Dedham, Watertowne, & Sudberry, Mr Aspinwall & George Munings are appointed to lay out ye same. [*140.] Land to bee layd out to Capt Keayne & others.

Maior Nehemiah Bourne, upon his petition, is abated 9t of ye 10t wch he undrtooke for Mr Hadocks surgeon. Maior Bourne fine abated.

Maior Nehemiah Bourne, upon his petition, is granted ye lent of one drake frm Dorchestr, one drake frō Roxberry, one drake & one sacre from ye Castle, & 2 sacres frō Boston; pvided he give in sufficient caution to this Corte for ye returne of ym & evry of ym, & plant ym, in as good condition, in place & carriages, in ye sevrall places where now they be, by ye 10th of ye 4th m̄ next. 6 peeces of ordinance lent him.

There being found a great disagreemt between ye two Indian witnesses, in ye case of Robrt Miller, he beg weake & in danger to pish in prison this wintr, ye Cort tooke his owne band for his appearance to abide ye tryall at ye Corte of Assistants, in ye first m̄ next. Robt Miller.

1646. Upon examination & consid^r^ation of y^e^ petition of M^r^ Gerish, the Co^r^te indge it equall y^t^ y^e^ 100^t^ debt & ov^r^prizall now appearing to the Co^r^te should be taken out of y^e^ whole estate of y^e^ intestate John Oliver, & that y^e^ daughter shall have an equall moyety of y^e^ remainder, viz^s^, of y^e^ cattle & moveables, as they are rated in y^e^ inventory, or were, or shalbe improved upon sale, & of y^e^ house & ground in kind, at the time appointed in y^e^ former ord^r^, or as it shall be sould by ord^r^ from this Co^r^te, in y^e^ meane time, if this Co^r^te shall at any time give order for the sale thereof.

7 October. M^r^ Gerish, about the estate of Jo: Oliuer.

[Blank in original.]

The Co^r^te is adiourned to y^e^ 4^th^ day of the 9^th^ month next, at one of y^e^ clock.

[Pages 141 and 142 left blank.]

[*143.] **At a Session of the Gen^r^all Co^r^te, 4^th^ 9^th^ M^o^, 1646.*

4 November.

M^r^ Cooke, Allen. The account of M^r^ Edward Allen is received & accepted, all but the 7^t^ 4^s^ mentioned for a selw^th^, w^ch^ is left till M^r^ Allens executo^rs^ can bring in what that selwith is, & that it is of such a value, before it be accepted as p̃t of the account.

Mai^r^ Bourne cautiō for the 6 peeces, &c̃. The Co^r^te haveing formerly granted Maior Nehemia Bourne the loane of sixe great guns, as in the grant, giveing caution for their returnes accordingly, that his giveing sufficient caution, is referred to o^r^ surveyer gen^r^all, for their safe returning according to the said order.

Wid. Howe, &c̃, for wine, &c̃. M^rs^ Margaret Howe & Nath: Tredaway are granted lib^r^ty to drawe two butts of wine, w^ch^ they rec^d^ for debt, & cannot put of in the butts.

Childrens suits disposed. The Co^r^te, und^r^standing there are severall suites, of the children belonging to the country, in the hands of M^r^ Glover, thinke it meete to ioyne M^r^ Treasurer w^th^ M^r^ Glover to appraise them, & then deliver them to Capt̃ Davenport, in p̃t of what the country stands indebted to him, for the Castle.

626– Markett at Linne. On the motion of the deputies of the towne of Linn, it is ordered, that there shalbe, once a week, a market kept there, on every third day of the weeke, being their lecture day.

Hingh̄ pet^a^ for remitinge of fines. Upon the petition of Stephen Gates, Franc̃ Smith, John Winchester, John Page, & John Beales, of Hingham, for 14^s^ 5^d^, to be taken from each of them, because of their poverty, the Co^r^te doth understand that some of the petitioners are of good ability, & for the rest, if they be so pore, & it be certified by indifferent men, if such p̱sons will make open acknowledgm^t^ of their offence, upon some lecture day, at Boston, they shall consent to the remiting of the fines of such pore p̱sons.

1646.

It is ordered, that a letter be sent to Plimoth, & in it they not to be left to ꝑportion their owne charge in the negotiation, but to bear their iust ꝑportion in so weighty a busines.

4 November. Ere to Plimouth, to ioyne in sending Mr Winslowe, & to Coñectecott & New Hauen.

And others letters to Coñectecot & New Haven, to like effect.

*It is ordered, Hampton should be alowed 5li out of ye next country rate, so as they make a sufficient carte & horse way ovr ye great marsh, suddainely.

[*144.] Hampton allowed 5li towards the high way, &c̃.

Mary Scarborow is granted liberty to sell ye house & land of her formr husbands, in regard ye estate will not be more then sufficient to bring up the children; ꝑvided ye second husband give security to that end.

Mary Scarborowe.

Henry Adams is appointed clarke of the writs, & one of ye three men to end small causes in Braintree, in ye roome of Peter Bracket.

Braintree cliẽ of the writte.

The order that no petition should be recd aftr ye three first dayes of the Courte is repealed.

627– Order about petus repd.

The petition of Mrs Dingham & John Alcock is granted for ye division of ye houses & land, ⅔ to Jno Alcock & ⅓ to Samuell, according to ye divisiõ made by Capt̃ Joseph Weld, John Johnson, & Thom: Lambe.

Jo: Alcock his estate diuided.

It is ordered, yt ye auditor genr shall examine Alex: Becks account, & take ordr for his speedy satisfaction.

Alex: Becke.

The Corte, well weighing ye good service ꝑformed by Capt̃ Robrt Bridges in yt negotiation wherein this Corte lately implied him, & called him to, wth ye dangrs & losses yt were attending thereupon, thinke meete to alow him ten pounds, as a small manifestation of their loveing acceptance of his good service therein, & for ye charges he was necessitated to lay out for ye accomplishmt thereof, being hindered by ye many debts the country stands engaged for, fully to requite him; as also in ye like mannr we alow Leift̃ Walker four pounds, & Srieant Marshall forty shillings.

Capt Bridges all. 10li, Leiutt Walker 4li, Srt Marshall 40s.

Whereas, it appeares by a note, undr ye Treasurers hand, yt there is due to Richrd Saltonstall, Esq̃, nyne pound, ꝑt of a debt due to Sr Rich: Saltonstall for aũunition, &c̃, & whereas he affirmes (wch we beleeve) yt he disbursed for ye country, a good time since, some othr monyes, ye Corte ordrs hee shall have tenn pounds paid him, in a small peece of ordinance, (to be valued by ye surveyr genr,) he rendrg ye overplus (if any be) in ready mony.

Mr Ri: Saltonstll grd a peece of ordinance, for a debt.

The Corte doth thankfully acknowledg ye good service or honored Deputy Govrnr hath done in ye place of Govrnr the last yeare, & are not a little troubled yt ye pressing & many urgent necessities & necessary charges of this colony are such as to intervene between his deserved merits & ye iust recompence wch this Corte is used to alow; but beleeving he is no less sensible of ye ꝑmises then orselues, we doubt not of his loveing acceptance of so slendr an acknowl-

Mr Dudley grd 60li for his gout last yeare.

1646. edgm^{t}, have thought meete to ord^{r} y^{t} o^{r} hono^{r}ed Deputy Gov^{r}n^{r} shalbe alowed, out of y^{e} next levy, y^{e} sum̃e of 60^{t}.

4 November. Redman discharged.

Rich: Redman is discharged, be^{g} to pay a butt of sack for his ransome fro^{m} the Indians.

[Part of this page is occupied by a duplicate record of part of page 144, evidently entered here by a mistake of the Secretary, caused by turning the book upside down.]

Wenborns fine abated.

Willi: Wenbourne, upon his petition, is abated his fine to 20^{s}, he being very pore, & of honest & good conversation oth^{r}wise, & y^{s} y^{e} first offence.

Dorch. sm. caus^{s}.

M^{r} John Glover, Capt̃ Atherton, & Jn^{o} Wiswell to end small causes in Dorchest^{r}.

Com̃issiō for mariages, Newbery.

The Co^{r}te hath granted com̃ission to M^{r} Edw^{d} Rawson to see people ioyne in marriage in Newberry, dur^{g} the pleasure of the Co^{r}te.

Waterto^{n}.

M^{r} Rich^{r}d Browne is granted aũthority to see such ioyne in marriage as are published accord^{g} to order, in y^{e} towne of Watertowne.

Mil. officers in Ch. Towne.

Upon the motion of the towne of Charlestowne, M^{r} Francis Norton is confirmed leift̃ of their comp^{a}, & Serieant Sprage ensigne.

M^{r} George Smith is alowed clarke of the writs, in the place of M^{r} Walderne.

Q^{r}.

M^{r} George Smith, Leift̃ Pomfret, & John Hall are appointed to end small causes for this yeare at

Walderns writinges.

M^{r} George Smith & M^{r} Edw^{d} Starbucke are appointed to survey the writings w^{ch} were in the custody of M^{r} Walderne, & to give to every one what belongs to them, & such publike regist^{r}s as belong to y^{e} Co^{r}te of Pascataq, or any p̃t of this iurisdiction, to reserve for furth^{r} order fro^{m} this Courte.

[*145.] Land to be purchaced for the Indians, Wabon, &c̃.

*Edward Goffe, the surveyer gen^{r}all, John Johnson, & Wil: Parks are appointed a com̃ittee to treate wth M^{r} Sparhauke, [or] any oth^{rs} whom they thinke fitt, about such p̃cels of lands w^{ch} they, wth M^{r} Sheopard, M^{r} Allen, & M^{r} Eliot, shall conceive meete to purchase for y^{e} incuragm^{t} of y^{e} Indians to live in an orderly way amongst us; & y^{e} said com̃ittee have hereby full power to agree & compound wth y^{e} said M^{r} Sparhauke or oth^{rs}, as aforesaid, for such lands, & order them paym^{t} out of y^{e} treasury for the same, so as hereafter y^{e} charge this purchase shall amount unto shalbe deducted out of y^{e} first gift y^{t} shalbe brought over, as given for y^{e} good of y^{e} Indians; & further, to set downe rules for their imp̃ve^{g} & enioying thereof.

Hinghā sm. caus^{s}.

M^{r} Bozoone Allen, Nicho: Baker, & Nicho: Jacobs are appointed to end small causes in Hingham.

Clik. writts.

M^{r} Bozoon Allen is appointed clarke of y^{e} writts in Hingham.

1646.

Upon y^e^ petition of M^r^ Willi: Tinge about y^e^ two guns, y^e^ Co^r^t doth conceive it is meete y^t^ execution should be suspended till y^e^ point in law be determined, viz^ſ^, (taking it for granted y^t^ y^e^ two guns do ꝑtaine to y^e^ company,) wheth^r^ they are liable to y^e^ action against y^e^ Lord Brooks executors, yea or no? If execution be served already, then y^t^ they should be returned, & kept in [y^e^] hands of y^e^ offic^r^, und^r^ y^e^ custody of law, till y^e^ cause be determined, unles y^e^ ꝑsent possessor of y^m^, M^r^ Fenwicks agent, or an oth^r^ shall put in sufficient security to be responsall for y^e^ said guns, or y^e^ value of y^m^, w^th^ necessary charges y^t^ may fall in y^e^ case untill y^e^ cause shalbe issued at y^e^ next Co^r^te of Election; y^e^ security to be given to y^e^ Secretary or to y^e^ Co^r^te.

4 November. M^r^ Fenwicks 2 gunnes to be forthcominge.

M^r^ Edward Rawson have^g^ bene implied to signe & transcribe all bils y^t^ passe in a booke, yet, being sencible of y^e^ great exp[en]ces & charge w^ch^ this Co^r^te is at, & difficulty to raise sm[all] matt^rs^, not doubting of his being sencible w^th^ us thereof, t[hink] meete in y^t^ respect y^t^ what was alowed him by us for one yeares service, viz^ſ^, twenty marks, shalbe all y^t^ shalbe alow[ed] him, & paid him out of y^e^ next levy, for his service done & ^ he shall do to y^e^ end of y^s^ Co^r^te, conceivi^g^ it to be but iust in some measure to recompence labo^rs^ in y^s^ kind, w^ch^ we would not be too backward in.

M^r^ Rawson all. for writinge, &c̃.

Leift̃ Tory is chosen & alowed clarke of y^e^ writs in Weymoth.

Weymouth clk writts,

Leift̃ Tory, John Whitman, & Thom: Dyer are chosen to end small causes in Weymoth.

& sm. causes.

In consid^r^ation of y^e^ hazardos estate of o^r^ native country, & troubles thereof, y^e^ sad estate of y^e^ church of Bermoda, & y^e^ weighty cases in respect of o^r^ churches & com̄on wealth here, w^th^ reference to any y^t^ seeke to und^r^mine y^e^ liberties of Gods people in eith^r^ or both, y^e^ Co^r^te hath appointed y^e^ 24^th^ of y^e^ 10^th^ m̊, being y^e^ next 5^th^ day come three weeks, to be kept a day of publike humiliation. Dated y^e^ first of y^e^ 10^th^ m̊, 1646.

Day of humil. appointed.

[*146.] 628–

*This Courte, being sensible of y^e^ necessity & singuler use of good literature in managing y^e^ things of greatest concernm^t^ in y^s^ com̄on wealth, as also ꝑceiving y^e^ fewnes of ꝑsons accomplished to such imploym^ts^, especially for future times, have thought meete to ꝑpose to all & every o^r^ reverend elders & brethren y^t^ due care be had from time to time to improve & exercise such students, especially in divinity, as, through y^e^ good hand of God, may issue forth of y^e^ colledges, y^t^ so, for want of imploym^t^ or maintenance, they be not forced from us, & we left destitute of help that way; to all w^ch^ intents & purposes ev^r^y church w^ch^ hath but one officer, & can conveniently bear y^e^ charge of such scholler, (w^ch^ we hope most may do,) is hereby desired to request a pore scholler to be helpfull to their offic^r^, y^t^ so they may im̄pve their gifts, & y^e^ church have some ꝑpfe of y^m^ against times of neede.

For incourag^nt^ of learninge.

Younger studentes to assist church officers, &c̃.

1646.

4 November. Boston fine abated. The towne of Boston is abated 3^{t} of their fine of 6^{t}.

The stollne negro to be sent home. The Gen^{r}all Co^{r}te, conceiving themselues bound by y^{e} first oportunity to bear witnes against y^{e} haynos & crying sinn of man stealing, as also to p̄scribe such timely redresse for what is past, & such a law for y^{e} future as may sufficiently deterr all oth^{r}s belonging to us to have to do in such vile & most odious courses, iustly abhored of all good & iust men, do order, y^{t} y^{e} negro interpreter, wth oth^{rs} unlawfully taken, be, by y^{e} first oportunity, (at y^{e} charge of y^{e} country for p̄sent,) sent to his native country of Ginny, & a letter wth him of y^{e} indignation of y^{e} Co^{r}te thereabouts, & iustice hereof, desireing o^{r} hono^{r}ed Gov^{r}n^{r} would please to put this order in execution.

629– Hides, &c̄, not to be transported. The Co^{r}te, being informed y^{t} some p̄sons (more seeking their owne private advantage then y^{e} good of y^{e} publike) do intend to transport rawe hides, &c̄, do hereby ord^{r} & enact, y^{t} no p̄son shall deliver a board any shipp or oth^{r} vessell, directly or indirectly, any rawe hide, or leather unwrought, wth intent to have y^{e} same transported out of this iurisdiction, upon paine to forfeit y^{e} same, or y^{e} value thereof, & y^{t} no mast^{r} of any shipp or vessell shall receive any rawe hide, or leath^{r} unwrought, directly or indirectly, aboard his shipp or vessell, to be so transported, upon y^{e} like pœnalty; this ord^{r} to be forthwth published at Boston & Charlestowne by seting up y^{e} same upon y^{e} meeting house dores, & upon y^{e} maine mast of y^{e} shipp now bound for England, & of oth^{r} ships hereafter, as occasion shall require; oth^{r}wise y^{e} m^{r} shall not incurr y^{e} pœnalty, except he be an inhabitant of this iurisdiction; p̄vided, it shalbe at liberty for any p̄son, wheth^{r} strang^{r} or oth^{rs}, to transport any hides or skins y^{t} shalbe brought hith^{r} fro^{m} oth^{r} parts beyond y^{e} seas, by way of marchandize.

Case of Wañertons howse. The Co^{r}te (haveing weighed y^{e} case in question between M^{r} Abrah: Shurt & M^{r} Rob^{r}t Saltonstall about M^{r} Wann^{r}tons house, as the question is stated & rep^{r}sented in a pap annexed) hath voted, that y^{e} mortgage of M^{r} Rob^{r}t Saltonstall & M^{r} David Yale ought to be p̄fered before y^{e} morgage of M^{r} Shurte, dated 4th 10th m̄, 1646.

Comittee for p^{r}fectinge the lawes. [*147.] The Co^{r}te, being deeply sensible of y^{e} earnest expectation of the country in gen^{r}all for this Co^{r}ts compleating of a body of lawes for y^{e} bett^{r} & more ord^{r}ly weilding all y^{e} affaires of this com̄on *wealth, wiling also to their utmost to answere their honest & harty desires therein, unexpectedly p̄vented by multitude of oth^{r} pressing occasions, thinke fit & necessary y^{t} this Co^{r}te make choyce of two or three of o^{r} hono^{r}ed magistrats, wth as many of y^{e} deputies, to p̄use, examine, compare, transcribe, correct, & compose in good order all y^{e} liberties, lawes, & orders extant wth us, & furth^{r} to p̄use & p̄fect all such oth^{r}s as are drawne up, & to p̄sent such of them as they find necessary for us, as also to suggest what they deeme needfull to be aded, as also to

consider & contriue some good methode & order, titles, & tables for compiling y^e^ whole, so as we may have ready recourse to any of them upon all occasions, whereby we may manifest o^r^ utt^r^ disaffection to arbitrary goverm^t^, & so all relations be safely & sweetly directed & pfected in all their iust rights & priviledges, desireing thereby to make way for printing o^r^ lawes for more publike & pfitable use of us & o^r^ successo^r^s. O^r^ hono^r^ed Gov^r^n^r^, M^r^ Bellingham, M^r^ Hibbens, M^r^ Hill, & M^r^ Duncan, as a comittee for y^e^ busines above mentioned, or any three of them meeting, y^e^ oth^r^ haveing notice thereof, shalbe sufficient to carry on y^e^ worke. 1646. 4 November.

Whereas information hath come to this Co^r^t from div^r^se forrain parts of y^e^ insufficiency of o^r^ pipe staves, in regard especially of wormeholes, whereby y^e^ comodity is like to be phibited in those pts, to y^e^ greate damage of y^e^ country, it is now ord^r^ed & enacted by authority of this Co^r^t, y^t^ y^e^ select men of Boston & Charlestowne, & of all townes where pipe staves use to be shiped, shall forthw^th^, & so from time to time, as neede shall require, nominate two men of each towne skilfull in that commodity, & such as can attend that service, to be veiwers of pipestaves, who shalbe brought before some magistrate to be sworne diligently & faithfully to veiw & search all such pipestaves as are to be transported to any pts of Spain or Portingall, or w^th^in eith^r^ of their dominions, to be used for making of tyte caske; & they shall throw by all such as they shall iudge not marchantable & sufficient for that use; and they, or some one of them, shall at all times, upon request, give attendance thereto, & shall enter into a booke y^e^ number of such marchantable pipestaves as they shall alow, & for whom; & if any man shall put a board any shipp or oth^r^ vessell any such pipestaves oth^r^ then shalbe so searched & alowed, to y^e^ end to be transported to any pt belonging to Spaine or Portingall, except they should be shiped for dry caske, he shall forfeit y^e^ same whole pcell, or y^e^ value thereof; & y^e^ said veiwers shalbe alowed 12^d^ for every thousand of pipe staves w^ch^ they shall so search, (as well y^e^ refuse as y^e^ marchantable,) to be paid by him who sets them on worke; & if any m^r^ or oth^r^ officer of any ship or other vessell shall receive into such ship or vessell any pcell of pipestaves to be transported into any of y^e^ said dominions w^ch^ shall not be searched & alowed as marchantable, & so certified by a note und^r^ y^e^ hand of one of y^e^ veiwers, *such master shall forfeite for every thousand of pipestaves so unduly [*148.] received five pound, except he shall pcure one of y^e^ said veiw^r^s to come a board, & search such staves as they shalbe deliv^r^ed into y^e^ shipp: this order to be set up in some publike places in both y^e^ said townes, viz^t^, y^e^ meeting house dore & some post at y^e^ most usuall wharfe, & so in oth^r^ townes as aforesaid; pvided, y^t^ there be liberty left for y^e^ transportation of cast staves, or 630– Pipe staues to be viewed.

1646. 4 November. oth^r red oake staves, into those ꝑts w^ch may be of good use for dry caske, &c, & y^t there may be y^e like offic^rs chosen at Salem & Pascataq, where staves may be shiped away, as well as from Boston.

631– Ferries to be ordered for saftye, &c̃. Whereas men do passe over y^e com̃on ferries in great danger often times, & y^e ferrymen excuse y^mselues by y^e importunity of passing^rs & want of law to give them pow^r to keepe due order, &c, it is therefore hereby ordered, y^t no ꝑson shall presse or enter into any ferry boate contrary to y^e will of y^e ferrymen, or of y^e most of y^e passing^rs before entered, upon paine of 10^s for every such attempt, & y^t every ferryman y^t shall ꝑmit & ałow any ꝑson to come into his boate against y^e will of any of y^e ma^trats or deputies or any of y^e eld^rs y^n in such boate, or y^e greater p̃t of y^e passingers y^n in y^e boate, shall forfeite for every ꝑson so admited or received against such will declared y^e sum̃e of 20^s; & it shalbe in y^e pow^r of any of y^e ferrimen to keepe out or put out of his boate any ꝑson y^t shall enter into or stay in any such ferry boate contrary to this order: & it is further ordered, y^t all ꝑsons shalbe received into such ferry boates according to their coming first or last, onely all publike ꝑsons, or such as go upon publike occasions, as phisitians, surgeons, & midwifs, & such as are sent for such, shalbe transported as such as were first.

Wharfage. Orders to be observed by all such as shall bring any Goods unto the Wharfe.

632– 1. That all forraine goods reckoned by y^e tunn or loade shall pay 4^d ꝑ tunn, except it be otherwise specified.

2. Fier wood shall pay 2^d ꝑ tunn.

3. Stones 1^d ꝑ tunn. 4. Timber 3^d ꝑ tunn.

5. All cask goods, as fish oyle or y^e like, of y^s iurisdiction, shall pay 4^d tun.

6. Pipe staves, 6^d ꝑ thousand. 7. Hay, 2^d ꝑ loade.

8. Great cattle a 1^d ꝑ head, shiping or landing.

9. Goates or swine shall pay $\frac{1}{4}^d$ ꝑ heade, a farthing.

10. Corne, every bushell halfe a farthing, y^t is, 1^d a q^rter.

11. Fish, dryed, shall pay $\frac{1}{2}^d$ ꝑ kintall, & all goods not included in these to pay according to their ꝑportions.

12. Y^t what goods shall lye on y^e wharfe above 48 houres shalbe lyable to pay wharfige ag^a, & so to continue for ev^ry 48 houres so long as they lye.

13. Y^t woode, stones, & all weighty goods shalbe landed & ord^rly set up on end, or layd 7 foote from y^e side of y^e wharfe, und^r pœnalty of double wharfige, & so all oth^r goods likewise.

& y^e own^rs of wharfs, wheth^r at Boston or Charlestowne, are required to

attend to these rules for wharfige of such goods, this ord^r^ to stand in force till y^e^ Co^r^te of Election in 1648. 1646.

*Whereas there appears some defect in y^e^ law made 2 : 9 m̃ 33, in y^t^ no ꝑvision is made for due recompence to y^e^ marshall, in case where he shalbe forced to travell for y^e^ levying a small sum̃e, it is now ordered, y^t^ in every such case where y^e^ fees appointed for y^e^ levying of any execution, or fine, or oth^r^ sume, for publike use, will not answere y^e^ travell, &c, in regard of y^e^ distance of place, y^e^ marshall, or oth^r^ offic^r^, shall have pow^r^ in such case to demand 6^d^ y^e^ mile, & to levy y^e^ same upon refusall, &c. 4 November. [*149.] 633- Marshalls, &c̃, fees by the mile 6^d^ p^r^ mil.

It is ord^r^ed, y^t^ wheate, barly, rye, pease, & Indian corne shalbe at y^e^ same rate in their severall prizes for y^e^ paym^t^ of y^e^ next country levy to come in, as they were in y^e^ paying in of y^e^ last rate, conceiving y^e^ corne to be at as lowe a rate as we may set y^m^ at w^th^out great iniury to y^e^ country; & we question not but as much more wheate wilbe paid in then will satisfy o^r^ ingagem^ts^ that way. 634– Corne, at what prizes to be pay^d^ for the rate.

The Govern^r^, M^r^ Tyng, Capt̃ Keayne, & y^e^ auditor gen^r^all are appointed a com̃ittee to see to y^e^ transcription of all such instrum^ts^ as are agreed upon, for furnishing M^r^ Winslow for o^r^ affaires in England, y^t^ they may be fairely & ord^r^ly written, & be ready to be deliv^r^ed to him before he go on board; & Edw^d^ Rawson is appointed to ioyne w^th^ y^e^ Secretary to veiwe y^e^ acts of this Co^r^te, & see them fairely transcribed according to the mind of the Co^r^te. Com̃ittee for dispatchinge M^r^ Winslowe. Com̃ittee for the acts of this Court.

Forasmuch as drunkennes is a vice to be abhored of all nations, especially of those who hold out & ꝑfess y^e^ gospell of Christ Jesus, & seeing any strict law against y^s^ sinn will not ꝑvaile, vnles y^e^ cause be taken away, it is therefore ordered by this Courte,— 635– Ag^t^ drunken^ss^.

1. First, y^t^ no marchant cowꝑ, nor any oth^r^ ꝑson whatsoever, shall after y^e^ first day of y^e^ first month sell any wine und^r^ a q^r^t^r^ caske, neith^r^ by quart, gallon, or any oth^r^ measure, but onely to such tavernes as are licensed by y^e^ Co^r^te to retaile wine, or any one whom y^e^ Co^r^te may licence to sell ꝑ y^e^ gallon; & whosoever shall transgress y^s^ order shall pay 10^t^ to the treasury of y^e^ country, to be levied by distres on his goods & chattels; & where there is no estate found, such delinquent ag^st^ this ord^r^ to be imprisoned dureing y^e^ Co^r^ts pleasure. None to retayle wine but vintners.

2. Y^t^ no tavern^r^ be licenced to sell wine, but shall first pay a fine to y^e^ treasury, & an yearly rent for his said license also. Vintners to pay a fine & rent.

3. Y^t^ y^e^ cunstables have power fro^m^ time to time not onely to enter into & serch y^e^ tavernes, for any disord^r^ y^r^ may be y^r^ found, to punish according to law, eith^r^ y^e^ tavern^r^ y^t^ suffreth misdemeno^r^ in his house, or any oth^r^ offend^rs^ there, as also to search any house suspected to sell wine contrary to y^s^ ord^r^, Constables may search any howse, &c̃.

1646. also any tavern^{r}, or oth^{r} ꝑson, y^{t} shall informe against any transgreser of y^{s} ord^{r}, shall have halfe of the fine for his incuragment, y^{s} to be of force to y^{e} end of y^{e} next Co^{r}t of Elections, & no long^{r}, except y^{e} Co^{r}te shall oth^{r}wise ord^{r}.

4 November. Inform̄ to haue halfe y^{e} fine, till next Co^{rt}.

It is ord^{r}ed & enacted, y^{t} no ꝑson or ꝑsons haveing licence to keepe a com̄on house of int^{r}tainm^{t} shall suffer any ꝑson or ꝑsons *at unseasonable times to drinke or tipple in their houses, upon paine to forfeit for every fine for each ꝑson so tippleing five shillings; & it is declared to be unseasonable times any time after nyne of the clock. This law doth not intend, nevertheles, to hinder y^{e} intertainment of seafaring men, or land travellers in y^{e} night season, when they come first a shore, or from their iourney in such houses, for their necessary refreshm^{t}, or when they prepare for their voyage, or iourny next day early, so y^{t} there be no disorder amongst them; & ev^{r}y ꝑson y^{t} shalbe found so tippleing, he shall forfeit for ev^{r}y such offence five shillings, & for default of paym^{t} to be imprisoned till he shall pay it, or be set in y^{e} stocks an houre or more, not exceeding 3, as y^{e} season will ꝑmit, on a market day; nor shall any ꝑson or ꝑsons sell strong water, wine, or beere, in their owne houses, to any strang^{r} or neighbo^{r} to drinke, as those y^{t} have licence to keepe houses of com̄on intertainm^{t} may do, upon paine to forfeit every time for each offence tenn shillings; & if any such private ꝑson be not able or be unwiling to pay his fine, y^{e} cunstable, by warrant from the ma^{trats}, shall set such a ꝑson in y^{e} stocks an houre or more, not exceeding 3 houres, as y^{e} season will ꝑmit; nor shall any ꝑson or ꝑsons, not licensed, sell wines by retayle, w^{ch} is intended any measure lesse y^{n} a q^{r}ter caske, to any ꝑsons or families, upon paine of forfeiting for every time so seling wine tenn shillings; nor shall any marchant, cowꝑ, owner, keeper of wines, or oth^{r} ꝑson, y^{t} hath y^{e} gov^{r}m^{t} of them, suffer any ꝑson or ꝑsons to drinke to exces, or drunkennes, in their wine cellers, shipps, oth^{r} vessels, or places where wines do lye, on paine to forfeit for each ꝑson drinking to excesse or drunkennes tenn shillings: the offences agst this law are to be hard & determined according to y^{e} law made agst drunkennes, the 13th of y^{e} 3th m̊, 1645, by any one ma^{trate}, who shall hereby have pow^{r}, by warrant, to send for parties & witnes, & to examine y^{e} said witnesses upon oath, & y^{e} p̃ties wthout oath, concerning any offence agst y^{s} law, or y^{e} said law of drunkennes; & if any p̃ty voluntarily confes his offence agst any breach of these lawes, his oath shalbe taken, & be a sufficient witnes agst any oth^{r} offending at y^{e} same time; & y^{e} pœnalties forfeited on this law to be in such sort levyed & disposed as is appointed in y^{e} said law agst drunkennes; & be it further enacted, y^{t} if any ꝑson y^{t} keepeth, or hereafter shall keepe, a com̄on house for intertainm^{t}, shalbe lawfully convicted y^{e} third time for any

[*150.] Victuall^{rs} not to suff^{r} tiplinge. 636–

Nor other p^{r}sons sell to strangers, to be drunk in their howses.

Nor retayle wines.

Nor merchant, coupers, &c̃, suffer excessiue drinkinge, &c̃.

How to be heard & determined.

Pœnalties, how to be imployed.

The 3 offence of victuallers.

offence ag^st^ any branch of y^e^ law ag^st^ drunkennes, or this law, then ev^r^y ꝑson so convicted shall, for y^e^ space of three yeares next ensuing y^e^ said conviction, be disabled to keepe any such house of cō̄on intertainm^t^, or sell beere, wine, or y^e^ like, & shalbe discharged for y^e^ said offence, by warrant fro^m^ any one of y^e^ magistrates, unles y^e^ Courte shall see cause to continue them, at their discretion; & y^t^ all licenst ꝑsons shall annually pay to y^e^ cō̄on treasury, ꝓportionably to y^e^ place where he lives, y^e^ Gen^r^all Co^r^te renuing *annually their licenses on such meete fines as they shall determine; & men of good report & ability to manage y^e^ calling shalbe willing to take it: for y^e^ ꝑsent, James Penn, Rich^r^d Fairbanks, & Hugh Gunnison are licenst for Boston, M^r^ Long for Charlestowne, & M^r^ Clarke for Salem; each of these to pay 15^t^ ꝑ annum; & whoev^r^ is now licenst in this iurisdiction shall, by y^e^ 10^th^ of February next, bring in, or send, und^r^ their hands, notice to y^e^ audito^r^ gen^r^all of their resolving to continue their licenses for a yeare, to begin y^e^ 3^th^ day of March next, paying to y^e^ treasury for y^e^ fine above named 15^t^ a peece for y^t^ yeare; & in case they bring not or send such notice to y^e^ audito^r^ by y^e^ time appointed, it shalbe taken for granted y^t^ they have no mind to continue their licenses; & they are to take notice, y^t^ they are no way iniuried, if y^e^ Q^r^ter Co^r^te put oth^r^s in their roomes on such conditions, w^ch^ y^e^ Co^r^te resolves to do, & so notice to be given to all oth^r^ licensed men in oth^r^ small townes to give in their resolutions to hold their licenses on such tearmes as is ꝓscribed by this Courte, viz^ſ^, y^e^ ꝑsons in such of those townes by y^e^ yeare.

1646. 4 November.

One magist^te^ may discharge him, &c̃, p^r^uiso. [Pa]m^t^ for licence [to the] Court. [*151.]

Boston. Licen., Ch. Towne. Salem.

Notice to the auditor, &c̃.

Or others to be licensed

by the Q^rter^ Co^rt^.

Other townes the like.

Roxberry, .	2^t^	Ipswich, . . .	2^t^	Newberry,	1^t^
Dorchester, .	1^t^	Winnet semet, .	3^t^	Salsberry,	0. 10sh^s^
Cambridge, .	3^t^	Marble Head, .	2^t^	Hingham,	1. 10sh^s^
Linn, . . .	2^t^				
Weymoth, .	0. 16^s^				

That a due ꝓportion may be had in all publike rates, it is ordered, y^t^ every male w^th^in this iurisdiction, servant or oth^r^, of y^e^ age of 16 yeares & upward, shall pay yearly into y^e^ cō̄on treasury y^e^ sum̄e of 20^d^, & so in some ꝓportionable way for all estates, viz^ſ^: y^t^ all & ev^r^y ꝑson y^t^ have estates shall pay one penny for ev^r^y 20^s^ estate, both for lands & goods; (& y^t^ ev^r^y laborer, artificer, & handicrafts man y^t^ usually take in sum̄er time above 18^d^ by y^e^ day wages, or worke by greate, w^ch^, by due valuation, amounts to more then 18^d^ by y^e^ day, shall pay ꝑ annu^m^ 3^s^ 4^d^ into the treasury, over & besides y^e^ 20^d^ before mentioned;) & for all oth^rs^ not p̃ticulerly herein expressed, as smiths of all sorts, butchers, bakers, cooks, victuallers, &c̃, according to their returnes & incom̄ings, to be rated ꝓportionable to y^e^ ꝓduce of y^e^ estates of other men; ꝓvided, y^t^ such as are pore, by sicknes, lamenes, or other infirmity, (w^ch^

636– Order of ratinge by the poll.

1646. makes them uncapable of such rates,) are hereby exempted; as also such s^rvants & children as take no wages, their mast^rs or parents shall pay for y^m; but such as take wages shall pay for y^mselues, y^e ord^r for exemption of ma^trats for 500^t estate to abide in force notw^thstanding; & hereby power is given to y^e Treasurer for y^e yeare being, by warrant to y^e cunstable, in defect of paym^t, to attach psons, in case goods or lands cannot be found, & also to seize lands or goods for such rates, yet not to meddle w^th lands where sufficient estate of goods or chattels appeare.

4 November. Mag^te exempted for 500^li.

How estates are to be rated.

For y^e avoyding of all complaints by reason of unequall rates, either of townes or psons, occasioned through y^e want of one gen^rall way & rule of rateing through out y^e country, & y^t levies hereafter may be more easy, equall, & certeine, it is hereby ordered, y^t in all publike rates (till this Co^rte take further order therein) all sortes of cattle shalbe valued as hereafter is exprest,

[*152.] viz^{ſ}: cowes of *four year ould & upward, 5^t; heifers & steers betwixt 3 & 4 year ould, 4^t; heifers & steers between 2 & 3 year ould, fifty shill^gs; & between 1 & 2 year ould, 30^s; oxen 4 year ould & upward, 6^t; horses & mares 4 year ould & upward, 7^t; 3 year ould, 5^t; betwixt 2 & 3 year ould, 3^t; yearlins, 2^t; sheope above a year ould, 30sh^s; goates above a year ould, 8^s; swine above a year ould, 20sh^s; asses above a year ould, 2^t; houses, lands of all sorts, marchantable goods, mills, shipps, lesser vessels & boates, cranes, wharfes, togeth^r w^th all oth^r visible estate, reall & ꝑsonall, y^t any ꝑson is possessed of, or hath in his custody, eith^r at sea or on shore, to be valued in y^e severall townes according to their worth, in y^e said places where they are, ꝑportionable to y^e aforesaid prizes of cattle; & it is y^e meaning of this order y^t because arrable ground, medowe, & cattle are to be rated, y^t therefore hay, together w^th all corne growing in y^e country, in y^e husbandmans hand, shall not be lyable to any rate; & for avoyding all partiality in rating lands & oth^r estate not ꝑticulerly prized in this ord^r, it is ordered, y^t y^r shalbe by ev^ry towne one of their inhabitants chosen by y^e freemen of y^e said towne, who, w^th y^e select townes men shall take y^e iust numb^r of their males, & also shall make a true valuation of all things rateable by this order, w^ch inhabitants aforesaid, for their severall townes respectively, shall meete at their sheire townes upon y^e 2^th 4^th day of y^e first month next ensuing, to examine y^e truth & equity of each townes ꝓceeding herein, who shall correct & determine as to the maior ꝑt of them seems right & iust to be done, according to y^e true intent of this order; w^ch asseasm^ts of y^e severall townes they shall, und^r their hands, forth with deliv^r to y^e Treasurer, who shall also forthw^th send forth his warrants for leviing y^e same w^thin one month, wherby he may have to answere y^e engagem^ts of y^e country; & all asseasm^ts for estates shall henceforth be made

Who shalbe the assessors.

yᵉ first 4ᵗʰ day of yᵉ 6ᵗʰ m̊, from time to time; but all levies for yᵉ ꝑsons shalbe made & paid into yᵉ treasury in yᵉ first m̊, froᵐ year to yeare, as is ꝓvided in yᵉ ordʳ aforesaid. 1646. 4 November.

It is ordʳed, yᵗ yᵉ law made in yᵉ 9ᵗʰ m̊, 1644, for yᵉ bringing sevʳall ꝑsons of worth in yᵉ country to an ordʳly election, should be put in execution for this year ensuing, save onely its desired yᵉ time may be changed for yᵉ meeting at yᵉ sheire townes from yᵉ last 5ᵗʰ day of yᵉ last m̊ to yᵉ 2ᵗʰ 4ᵗʰ day of yᵉ first m̊, & so till yᵉ last third day of yᵉ first month. 637– Election of magᵗˢ.

It is ordʳed, yᵗ yᵉ auditor & surveyer shall ꝓvide a safe place for yᵉ countryes powder. Stock of powdʳ bestowed.

It is ordʳed, yᵗ 20ˢ shalbe given to servants of James Penn, for their paines this Courte.

It is ordʳed, yᵗ 20ˢ shalbe given to yᵉ servants of Hugh Gunnison, for their paines this Courte. Gratuityes to seruants.

Since ꝓvidence so disposeth as yᵗ yᵉ Coʳte cannot close in one about yᵉ ꝑty ꝓpounded to be ioyned in cõmission wᵗʰ Mʳ Winslow, & cannot thinke of any othʳ man so as they can thinke meete to imploy therein, (oʳ maᵗʳᵃᵗˢ yᵗ go refusing,) they desire Mʳ Winslow may help himselfe by yᵉ best counsell of oʳ freinds as he can, & yᵗ oʳ honoʳed maᵗʳᵃᵗˢ would imꝓve their best interest yᵗ way, by lettʳs to their freinds; & yⁿ we question not yᵉ well carriing an end of yᵉ busines by oʳ agent, as it is or may be managed by oʳselues. Mʳ Winslowe alowe. Ꝛres priuᵗ to be sent by him.

It is ordʳed, yᵗ a coppy of yᵉ petition of Doctoʳ Child, &c, & oʳ charge & their answere, oʳ sentence thereupon, & declaration of yᵉ Coʳts apꝑhension of their petition, &c, be delivʳed to Mʳ Winslow to *make use of in England, as occasion may require. Copies of the petⁿ, &c. [*153.]

It is ordʳed, yᵗ such monyes as have bene borrowed of divʳse men by yˢ Coʳte are to be, & shalbe, repaid yᵐ, by yᵉ first of yᵉ 2ᵈ m̊ next, in mony, beavʳ, or wheate at 3. 8ᵈ ꝑ bushell, & wᵗʰall, yᵗ yᵉ Treasurer may engage himselfe for satisfaction accordingly. Repaymᵗ of monies bor. for Mʳ Winslõ.

Upon considʳation of yᵉ petition exhibited to yˢ Coʳte by yᵉ inhabitants of Dover & Strawberry Banke, & yᵉ grant made by yᵉ assignes of yᵉ lords & gentlemen, patentees there, & yᵉ agreement made between this Coʳte & yᵉ said inhabitants, it is ordʳed, yᵗ yˢ Coʳte will (upon yᵉ first oportunity) confer wᵗʰ Mʳ Whiting & othʳ of yᵉ said assignes about reasonable accõmodation to be alowed to yᵉ said inhabitants; & if yᵉ said assignes will not accord wᵗʰ us therein, yˢ Coʳte will resigne whatsoevʳ yᵉ said assignes have granted to us, & will hold oʳselues discharged of any engagemᵗ thereupon; for wⁿ they granted us yᵉ govʳmᵗ of the pèople, it was intended yᵉ people must have sufficient land to live upon, othʳwise yʳ can be no people, & consequently no goverᵐᵗ, & so yᵉ grant voyde; & yᵗ a coppy of this order shalbe sent to Mʳ Whiting, or 638– Piscataqᵏ petⁿ answered.

1646. some other of ye assignes, to ye end yt they may be at ye next Genrall Corte, in ye 3th m̃, to give in their resolution herein.

4 November. As for ye othr p̃t of their petition, concerning freedome from being impleaded in othr Corts of this iurisdiction, this Corte doth declare yt ye said inhabitants (even by their owne agreement) are bound to ye genrall lawes & ordrs of ys iurisdiction, in yt point, as Salem & Ipswich are; nevrtheles, ye Corte being sensible of ye great burthen wch may fall upon ye inhabitants of ye said ryver, if they shalbe forced (upon small occasions) to travell to Boston, or othr Corts farr of, it is therefore ordered, yt none of ye said inhabitants shalbe compelled, upon any originall ꝑces, to travell out of ye limits of Norfolke to answere in any civill action for any cause whereof ye originall debt or damage shall not truely exceede 100t, nor shall any of ye said inhabitants have liberty to call any ꝑson out of any othr limits, to answere in any like action, in any
639– Corte to be holden in Norfolke, undr ye same value; ꝓvided alwayes, yt if any ꝑson shalbe attached, to answere, &c, such ꝑson shalbe bound to answere, &c, in ye Corte of yt limits where such ꝑson shalbe so attached.

Tho: Foster. Thomas Foster is, by ordr of Corte, referred to Mr Auditor, to have a bill for his due, according to ye computation of 30t ꝑ @, for ye time he served till dismissed.

Mr Dunster to be pd 100li. The Corte hath voted Mr Dunster 100t, to be paid him out of ye next country rate in p̃t of his debt, besides ye 18t due to Mr Sheopard, wch Mr Auditor saies care is taken for satisfaction of.

Comittee in the case of Smith & Keysar. The Secretary, Mr Auditor Genr, Capt̃ Atherton, & Mr Sparhauk are appointed a comittee to examine witnesses & draw up ye case about Capt̃ Smith & Mr Kezar kiling, stealing, & wronging of ye negers, &c.

Against Blasphemy of ye Name of God.

640– Albeit faith be not wrought by ye sword, but by ye word, & therefore
[*154.] *such pagan Indians as have submited ymselues to or govrmt, though we would not neglect any due helps to bring ym on to grace, & to ye meanes of it, yet we compell ym not to ye Christian faith, nor to ye ꝑfession of it, cithr by force of armes or by pœnall laws; nevertheles, seing ye blaspheming of ye true God cannot be excused by any ignorance or infirmity of humane nature, ye eternall powr & Godhead being knowne by ye light of nature & ye creation of ye world, & comon reason requireth every state & society of men to be more carefull of ꝓventing ye dishonor & contempt of ye most high God (in whom we all consist) yn of any mortall princes & magistrates, it is therefore ordred & decreed, by ys Corte, for ye honor of ye eternall God, whom onely we worship & serve, yt no ꝑson wthin ys iurisdiction, whethr Christian or pagan, shall wittingly & willingly ꝓsume to blaspheme his holy name, eithr by wilfull or

obstinate deniing y^e^ true God, or his creation or goverm^t^ of y^e^ world, or shall curse God, or repach y^e^ holy religion of God, as if it were but a politick device to keepe ignorant men in awe, nor shall utt^r^ any other eminent kind of blasphemy, of y^e^ like nature & degree; if any ꝑson or ꝑsons whatsoever, w^th^in o^r^ iurisdiction, shall break this lawe they shalbe put to death. 1646. 4 November. Blasphemye by Indian or other, capitall.

It is ordered & decreed by this Co^r^t, y^t^ no Indian shall at any time pawwaw, or ꝑforme outward worship to their false gods, or to y^e^ devill, in any p̃t of o^r^ iurisdiction, wheth^r^ they be such as dwell here, or shall come hith^r^. If any shall transgres this law, y^e^ pawwaw^r^ to pay 5^t^, y^e^ ꝑcurer 5^t^, & every assistant countenancing, by his ꝑsence or otherwise, (being of age of discretion,) 20sh^s^. 641– Indian pawwawe. Prcurer, abettors, &c̃, fine.

Though no humane pow^r^ be Lord ov^r^ y^e^ faith & consciences of men, & therefore may not constraine y^m^ to beleeve or ꝑfes ag^st^ their conscience, yet because such as bring in damnable heresies, tending to y^e^ subversion of y^e^ Christian faith, & destruction of y^e^ soules of men, ought duely to be restrained fro^m^ such notorious impiety, it is therefore ordered & decreed by y^s^ Co^r^te, y^t^ if any Christian w^th^in this iurisdiction shall go about to subvert & destroy y^e^ Christian faith & religion, by broaching or maintaining any damnable heresy, as deniing y^e^ iⁿmortality of y^e^ soule, or y^e^ resurrection of y^e^ body, or any sinn to be repented of in y^e^ regen^r^ate, or any evill done by y^e^ outward man to be accounted sinn, or deniing y^t^ Christ gave himselfe a ransome for o^r^ sinns, or y^t^ we are iustified by his death & righteousnes, but by y^e^ ꝑfection of o^r^ owne works, or deniing y^e^ morallity of y^e^ 4^th^ coⁿmandem^t^, or any oth^r^ heresy of such nature & degree, ev^r^y such ꝑson continuing obstinate therein, after due meanes of conviction, shall pay to y^e^ coⁿmon treasury during y^e^ first six months 20^s^ a month, & for y^e^ next six months 40^s^ ꝑ m̃, & so to continue dureing his obstinacy; & if any such ꝑson shall endeav^r^ to seduce others to y^e^ like heresy & apostacy from y^e^ faith & religion of o^r^ Lord Jesus Christ, he shall forfeit to y^e^ coⁿmon treasury, for every severall offence therein, five pounds. 642– Notorious & obstinate heretics fined. Seducers.

*Forasmuch as in these countryes, where y^e^ churches of Christ are seated, y^e^ ꝑspity of y^e^ civill state is much advanced & blessed of God, when y^e^ ordinances of true religion & publike worship of God do find free passage in purity & peace, therefore, though we do not iudge it meete to compell any to enter into y^e^ fellowship of y^e^ church, nor force y^m^ to p̃take in y^e^ ordinances peculiar to y^e^ church, (w^ch^ do require volentary subiection thereunto,) yet, seeing y^t^ y^e^ word is of generall & coⁿmon behoofe to all sorts of people, as being y^e^ ordinary meanes to subdue y^e^ harts of hearers not onely to y^e^ faith, & obedience to y^e^ Lord Jesus, but also to civill obedience, & allegiance unto magistracy, & to iust & honest conversation towards all men, — [*155.] 643–

1646. It is therefore ordred & decreed, yt wheresoevr ye ministery of ye word is established according to ye ordr of ye gospell throughout ys iurisdiction, evry pson shall duely resort & attend thereunto respectively, upon ye Lords dayes, & upon such publike fasts dayes & dayes of thanksgiving as are to be genrally held by ye appointmt of authority; & if any pson wthin ys iurisdiction shall, wthout iust & necessary cause, wthdraw him selfe from hearing ye publike ministery of ye word, after due meanes of conviction used, he shall forfeite for his absence from evry such publike meeting 5shs.

4 November. Absence from publ assemblyes, &c, after due meanes of conuictiō. Fine, 5s.

644– It is ordred & decreed by ys Corte, yt if any pson, whethr in churchfellowship or out of it, shall go about to destroy or disturbe the ordr of ye churches established in ys country, by open renouncing their church estate, or their ministery, or othr ordinances dispenced in ym, eithr upon ptence yt ye churches were not planted by any new apostles, or yt ordinances are for carnall Christians, or babes in Christ, & not for spirituall or illuminated psons, or upon any othr such like groundles conceite, evry such pson who shalbe found culpable herein, after due meanes of conviction, shall forfeit to the publike treasury 40shs for evry month, so long as he continues in his obstinacy.

Disturbers of churches, &c, duly conuict. Fine, 40s pr month.

645– It is ordred & decreed, yt if any pson wthin this iurisdiction shall sweare rashly & vainely, eithr by ye holy name of God, or any othr oath, he shall forfeite to ye comon treasury, for evry such sevral offence, 10s; & it shalbe in ye powr of any matrate to call such pson before him by warrant to ye cunstable, & upon sufficient pofe, to pass sentence, & levy ye said pœnalty, according to ye usual ordr of iustice; & if such pson be not able, or shall utterly refuse to pay ye foresaid fine, he shalbe comitted to ye stocks, there to continue not exceeding 3 houres, & not lesse yn one houre.

Vaine swearinge. Fine, 10s.

One magiste,

or stocks.

646– Considring yt one end in planting these ptes was to ppagate ye true religion unto ye Indians, & yt divers of ym are become subiects to ye English, & have engaged themselues to be willing & ready to undrstand ye law of God, it is therefore ordred & decreed, yt ye necessary & holesome lawes wch may be made to reduce ym to civility of life shalbe once in ye yeare (if ye times be safe) made knowne to ym by such fit psons as ye Corte shall nominate, haveing ye help of some able interpreter wth ym. Considring, also, yt interptation of tongues is an appoinmt of God for ppagating ye truth, & may therefore have a blessed succease in ye harts of othrs in due season, it is therefore furthr ordered & decreed, yt two ministrs *shalbe chosen by ye eldrs of ye churches evry yeare, at ye Cort of Election, & so to be sent, wth ye consent of their churches, (wth whomsoevr will freely offer ymselues to accompany ym in yt service,) to make knowne ye heavenly counsell of God among ye Indians in most familiar mannr, by ye help of some able interpretr, as may be most

Indians to be instructed in or lawes & in religion.

[*156.]

avaylable to bring y^m^ to y^e^ knowledge of y^e^ truth, & their conversion to Jesus Christ ; & for y^s^ end, y^t^ some thing may be alowed y^m^ by y^e^ Gen^r^all Co^r^te to give away freely unto those Indians whom they shall ꝑceive most willing & ready to be instructed by y^m^. 1646. 4 November. Some incouragm^t^.

Forasmuch as y^e^ open contempt of Gods word & messeng^rs^ therof is y^e^ desolating sinn of civill states & churches, & y^t^ y^e^ preaching of y^e^ word by those whom God doth send is y^e^ cheife ordinary meanes ordained of God for y^e^ converting, edifiing, & saving y^e^ soules of y^e^ elect, through y^e^ ꝑsence & pow^r^ of y^e^ Holy Ghoast thereunto ꝓmised, & y^e^ minist^r^y of y^e^ word is set up by God in his churches, for those holy ends, & according to y^e^ respect & contempt of y^e^ same, & of those whom God hath set a ꝑt for his owne worke & implim^t^, y^e^ weale or woe of all Christian estates is much furthered & ꝓmoted, it is therefore ord^r^ed & decreed, y^t^ if any Christian, so called, w^th^in y^s^ iurisdiction, shall contemptuously behave himselfe toward y^e^ word preached, or y^e^ messeng^rs^ thereof called to dispence y^e^ same in any congregation, when he doth faithfully execute his service & office therein, according to y^e^ will & word of God, eith^r^ by interrupting him in his ꝑaching, or by charging him falsely w^th^ any error w^ch^ he hath not taught, (in y^e^ open face of y^e^ church,) or, like a sonn of Corah, cast upon his true doctrine or himselfe any reproach, to y^e^ dishono^r^ of y^e^ Lord Jesus, who hath sent him, & to y^e^ disꝑagm^t^ of y^t^ his holy ordinance, & making Gods wayes contemptible & ridiculos, y^t^ ev^r^y such ꝑson or ꝑsons (whatsoev^r^ censure y^e^ church may passe) shall for y^e^ first scandole be convented, & reꝓved openly by y^e^ ma^trats^, at some lecture, & bound to their good behavior ; & if a second time they breake forth into y^e^ like contemptuous carriages, either to pay 5^li^ to y^e^ publike treasury, or to stand two houres openly upon a block 4 foote high, on a lecture day, w^th^ a ꝑap fixed on his breast, w^th^ this, A WANTON GOSPELLER, written in capitall lett^r^s, y^t^ oth^r^s may fear & be ashamed of breaking out into the like wickednes. 647– Reproachinge the worde, or the miñ^rs^ thereof. 1. Reproued by the mag^ts^. 2 Off. 5^li^, or stand vpon a block, &c̃.

If any child or children, above 16 yeares ould, & of sufficient und^r^standing, shall curse or smite their naturall fath^r^ or mother, he or shee shalbe put to death, unles it can be sufficiently testified y^t^ y^e^ parents have bene very unchristianly negligent in their education of such children, or so ꝓvoked them, by extreame & cruell correction, y^t^ they have bene forced thereunto to ꝑserve themselues fro^m^ death or maiming. 648– Cursinge or smitinge parēts capitall. P^r^uiso.

If a man have a stubborne or rebellious sonne, of sufficient yeares & und^r^standing, viz^ſ^, 16, w^ch^ will not obey y^e^ voyce of his fath^r^ or y^e^ voyce of his moth^r^, & y^t^ when they have chastened him will not harken unto y^m^, y^n^ shall his fath^r^ & moth^r^, being his naturall parents, lay hold on him, & bring him to y^e^ ma^trates^ assembled in Co^r^te, & testify unto y^m^, by sufficient evidence, y^t^ y^s^ 649– Incorrigible sonne. Capitall.

1646. their sonn is stubborne & rebellious, & will not obey their voyce & chasticem^t^, but lives in sundry notorious crimes, such a sonne shalbe put to death.

4 November. [*157.] 650– Burnige frames, wood, coale, corne, haye, &c, double damag^s^.

*If any shall wittingly burne, or oth^r^wise destroy, any frame timb^r^ hewed, heaps or stacks of woode, coales, corne, hay, strawe, hemp, or flax, he shall restore double damage to y^e^ own^r^.

651– Kindlinge fires in wuds, &c.

Whosoev^r^ shall kindle any fires in y^e^ woods, before y^e^ 10^th^ day of y^e^ first m̃, or after y^e^ last day of y^e^ 2^th^ m̃, or on y^e^ last day of the weeke, or Lords day, shall pay all damages y^t^ any p̄son shall loose thereby, & halfe so much to y^e^ com̄on treasury.

652– Seruants imbeselinge, &c.

All servants & workmen, imbeziling y^e^ goods of their masters, or such as set y^m^ on worke, shall make restitution, & be as lyable to all lawes & pœnalties in y^t^ behalfe as oth^r^ men.

653– Playing for mony, &c.

It is ord^r^ed by y^s^ Co^r^te, y^t^ if any p̄son shall, at any time, play or game for any money or mony worth, every such p̄son shall forfeite treble y^e^ value of y^t^ so played or gamed for to y^e^ com̄on treasury, halfe to y^e^ p̃ty informing thereof.

654– Robbing orch^ds^, fruit trees, linnen, &c; wood, &c, 3^ble^ damages.

It is ord^r^ed by this Co^r^te, y^t^ if any p̄son shalbe taken or known to rob any orchard or garden, y^t^ shall hurt or steale away any grafts, or fruite trees, fruites, any linnen, wollen, or any oth^r^ goods y^t^ shalbe left out, in orchards, gardens, backsides, or any oth^r^ place, in house or feilds, or shall steale any wood from y^e^ water side, fro^m^ mens dores or yards, he shall forfeite treble damage to y^e^ own^r^ thereof; & if they be children or servants y^t^ shall trespas herein, if their parents or mast^rs^ will not pay y^e^ pœnalty before exp̄ssed, they shalbe openly whiped.

Childr^n^ or ser-u^ts^ whipped.

Prudentiall Lawes.

655– Idle p^r^sons.

Ev^r^y towneship, or such as are deputed to ord^r^ y^e^ prudentials thereof, shall have pow^r^ to p̄sent to y^e^ Q^r^t^r^ Co^r^te all idle & unp̄fitable p̄sons, & all children, who are not diligently implied by their parents, w^ch^ Co^r^te shall have pow^r^ to dispose of them, for their owne welfare & imp̄vem^t^ of y^e^ com̄on good.

656– Tyle earth.

Tile earth, to make sale ware, shalbe diged before y^e^ first of y^e^ 9^th^ m̃, & turned over in y^e^ last or first m̃ ensuing, a month before it be wrought; & whosoever breaks this order shall forfeite, to y^e^ use of y^e^ com̄on treasury, halfe such tile as shalbe oth^r^wise made.

657– Artificers, &c, to worke in haruest, &c.

Because y^e^ harvest of hay, corne, flax, & hemp comes usually so neare togeth^r^ y^t^ much losse can hardly be avoyded, it is ordered & decreed by y^s^ Co^r^te, y^t^ y^e^ cunstable of ev^r^y towne, upon request made to y^m^, shall require artific^rs^ or handicrafts men, meete to labo^r^, to worke by y^e^ day for their neigh-

bo^rs needing y^m, in mowing, reaping, & iñing thereof, & y^t those whom they help shall duely pay y^m for their worke, & if any ꝑson so required shall refuse, or y^e cunstable neglect his office herein, they shall each of y^m pay to y^e use of y^e pore of y^e towne double so much as such a dayes worke comes unto; ꝑvided no artificer, &c, shalbe compeled to worke for oth^rs whiles he is necessarily attending on like busines of his owne. 1646. 4 November.

Every baker shall have a distinct marke for his bread, & keepe y^e true assises, as hereaft^r is exꝑssed, viz^t: w^n wheate is ordinarely sould at their sev^rall rates, y^e penny white loafe by avordepois weight shall weigh, when wheate is at 3sh^s y^e bushell, 658– Assise of bread.

y^e white,	. .	11½^z	wheaten,	. .	17½^z	household,	. 23 ^z
w^n at 3½^s,	. .	10½	wheaten,	. .	15½	household,	. 20½
w^n 4^s,	. . .	9½	wheaten,	. .	14	household,	. 18½
w^n 4½^s,	. . .	8½	wheaten,	. .	11¾	household,	. 16½
w^n 5,	. . .	7¾	wheaten,	. .	11½	household,	. 15½
*when wheate is 5½^s bush,	.	w^t, 7^z	wheaten,	10½^z	household,	14 ^z	[*158.]
when	6	. 6		10		13	
when	6½^s	. 6		09½		12½^z	

und^r y^e pœnalty of forfeiting all such bread as shall not be of y^e sev^rall weights as is above mentioned to y^e use of y^e poore. Willi: Parks & Willi: Stitson are appointed clarks of y^e market, & authorished hereby to see to y^e execution & ꝑformance of this order. Clerkes of the market.

It is ord^red by y^e Co^rte, y^t where wood is brought to any towne or house by boate, it shalbe thus accounted & assised: 4 tunn shalbe accounted 3 loads; 12 tunn, 9 loads; 20 tunn, 15 loade; 6 tunn, 4½ loads; 14 tunn, 10½ loade; 24 tunn, 18 load; 8 tunn, 6 loade; 16 tunn, 12 loade; 28 tunn, 21 loade; 10 tunn, 7½ loade; 18 tunn, 13½ loade; 30 tunn, 22½ loade. 659– Tuñage of wood.

Juditiall ꝑceedings.

If any ꝑson shall wittingly forge any deede or conveyance, testam^t, bond, bill, release, acquittance, lett^r of atturny, or any writing, to ꝑv^rt equity & iustice, he shall stand in y^e pillery three sev^rall lecture dayes, & rend^r double damage to y^e ꝑty wronged, & disabled to give any evidence or verdict to any Co^rte or magistrates. 660– Forgerye.

If any man shall uniustly, of meere malice, cōmence or ꝑsecute any action, suite, complaint, or inditem^t, in his owne name or in y^e name of others, to y^e vexation of any ꝑson, he shall pay treble damage to y^e ꝑty greived, & be fined 40sh^s to y^e cōmon treasury. 661– Vexatious suits.

1646. 4 November.

Keepers of comon prisons shall receive all prisoners brought to them by warrant from any matrats wthout takeing any fees of ye ptties yt bring ym, undr ye pœnalty of 5t for evry offence.

662– Keepers of prisons.

If any pson shalbe indited of any capitall crime, who is not then in durance, shall refuse to rendr his pson to some matrate wthin one month after three pclamations publikely made in ye towne where hee usually abides, there being a month betwixt pclamation & pclamation, his lands & goods shall be seized to ye use of ye comon treasury till he makes his lawfull appearance; & such wthdrawing of himselfe shall stand in stead of one witnes to pve his cryme, unles he can make it appeare to ye Corte yt he was necessarily hindered from such appearance.

663– Prclam. agt prsons endited for capll off. Estate seised.

664– Hui & crye.

If any officer or other shall refuse to do their best endeavor in raising & psecuting hue & cryes by foote, &, if neede be, by horse, after such as have comitted capitall crymes, they shall forfeite, for evry offence, to ye comon treasury, forty shillings, such hues & cryes as be alowable by lawe.

665– Conueyinge malefactors to prison.

Such malefactors as are comitted to any comon prison shalbe conveyed thithr at their owne charge, if they be able; othrwise, at ye charge of ye country.

666– Where no owner of lande or goods appeares.

Where no heire or owner of houses, lands, tenemts, goods, or chattels can be found, they shalbe seized to ye publike treasury, till such heires or owners shall make due clayme thereto, to whom they shalbe restored upon iust & reasonable tearmes.

Mr Wardes petn.

Upon Mr Wardes petition about ye tenn pound demanded by him, ye busines is refered to Mr Bellingham & Mr Auditor Genr, who are appointed a comittee to heare & end ye difference between Mr Ward & Mr Saltonstall, executor of Mr Dillingham.

Constab. of Hull.

Loreing is chosen cunstable of Hull for ys yeare, & untill newe be chosen in his roome; & he is, wth ye first *oportunity, to repaire to some matrate to take his oath; & ye people there inhabiting, & all othrs, who shall resort thither, are to be subiect to this authority comitted to him, & to give him due assistance in his office wn they shalbe required.

[*159.]

666– Springfeild.

The Corte, haveing considred ye controvrsy betwcen ye iurisdiction of Hartford, upon Conectecot, & ye inhabitants of Springfeild, upon ye same ryver, touching eithr ye purchase of ye forts at ye ryvrs mouth, or ye paymt of such custome as is or shalbe imposed upon ym toward ye maintenance of ye same, doth declare its iudgmt as followeth:—

1. They conceive yt ye iurisdiction of Hartford, upon Conectecot, have not a legall powr to force any inhabitant of anothr iurisdiction to purchase any fort or othr lands out of yt iurisdiction without their consent.

1646.

4 November

2. They conceive y^t^ it were iniurious to require custome to y^e^ maintaining of such a fort, w^ch^ is not usefull to such of w^m^ it is demanded.

3. They thinke it very unequall for y^m^ to impose a custome upon their freinds & confederates, who have not more benefit of y^e^ ryver, by exporting & importing of goods, y^n^ strang^rs^ of anoth^r^ nation, who (though they live w^th^in Hartford iurisdiction) pay none.

4. The ꝑpounding & standing upon an imposition of custome to be paid to y^e^ riv^rs^ mouth, by such as were or are w^th^in o^r^ iurisdiction, hind^r^ed o^r^ confed^r^ation above tenn yeares, & there was nev^r^ any paid to this day, & now to impose it upon any of o^rs^ aft^r^ o^r^ confed^r^ation will put us to new thoughts.

5. It seems to us very hard, y^t^ any of o^r^ iurisdiction should be forced to such a bondage as will necessarily inthraule their posterity, by imposeing such rates & customes as will either constraine y^m^ to dep̃t their habitations, or weaken their estates, especially w^n^ as they w^th^ y^e^ first tooke possession of y^e^ ryver, & were at great charge of building, &c, w^ch^ if they had foreseene would not there have planted.

6. If Hartford iurisdiction shall make use of their power over any of o^rs^, we conceive we have y^e^ same pow^r^ to imitate y^m^ in y^e^ like kind, w^ch^ we desire may be forborne on both sides.

Mary Beniamī. The Courte doth conceive, y^t^ if this Co^r^te doth not confirm y^e^ will of y^e^ said Mary Beniamin, she not being of age, (w^ch^ it seeth no equity for in this case,) y^t^ y^e^ administration of y^e^ estate of y^e^ said Mary should be granted to Abigaile Beniamin, y^e^ moth^r^ of ye said Mary, for bringing up the yong^r^ children, & y^n^ y^e^ estate to be divided by 5 commission^r^s, to be appointed by this Co^r^te, who shall make returne thereof to y^e^ next Co^r^te.

Barnes her petitiō. Forasmuch as it is informed to this Co^r^te y^t^ Addis did und^r^take for y^e^ fine of five pounds, against advice w^ch^ was to punish Barnes corporally, it is thought fit y^t^ if Addis pay y^s^ fine, he shall seeke his remedy fro^m^ y^e^ husband, so as he take nothing fro^m^ y^e^ wife, y^e^ petition^r^, w^ch^ *she hath for the maintenance of her selfe & two small children, nor detaine any thing due to her. [*160.]

Theophilus Shepper. Upon y^e^ petition of M^r^ John Cotton & M^r^ Thom: Cobbet, about Theophilus Skeppar: Whereas it appeares unto this Co^r^t y^t^ M^r^ Benia: Keayne is indebted unto Theo: Skeppar in y^e^ sum̃e of 51^t^, payable to y^e^ said Theophi: at y^e^ age of 21 yeares, for w^ch^ paym^t^ y^e^ said M^r^ Keayne hath also by his deede bound ov^r^ his farme at Linn, since w^ch^ it also appeth y^e^ said M^r^ Keayne hath made ov^r^ all his estate to his wife & to his fath^r^, for y^e^ discharge of his debts, &c, but, y^e^ said Theophi: being an orphan, his guardians desire y^e^ security should not be alt^r^ed, y^s^ Corte, well weighing y^e^ ꝑmises, have ord^r^ed, & hereby do ord^r^, y^t^ y^e^ said farme in Linn shall not be allienated or any way disposed

1646. by y^e^ wife or fath^r^ of M^r^ Benia: Keayne, but shall remaine engaged for securing y^e^ 51^t^ to y^e^ said orphan, at y^e^ age of 21 yeares, as is ꝑvided in y^e^ deede above mentioned, any act or thing to y^e^ contrary notw^th^standing.

4 November.

Reparation of the prison.

The Co^r^te hath appointed 10^t^ to be paid out of y^e^ next country rate towards y^e^ most needfull reparations of y^e^ prison & y^e^ keeps house.

Jo: Webster his estate.

Upon y^e^ petition of Mary, y^e^ widow of John Webster, y^t^ her eldest sonne, John Webst^r^, should have y^e^ land called y^e^ farme, w^ch^ lyeth between M^r^ Rog^rs^ oxe pasture & Thom: Bishops farme, consisting of about 32 acres, w^n^ he comes to y^e^ age of 21 yeares, onely binding him to pay Nathan, y^e^ yongest child, 5^t^, at y^e^ age of 14 years; or if he refuse to pay 5^t^, y^n^ y^e^ 4^th^ p̃t of y^t^ land in kind, or y^e^ worth;

That Mary, Stephen, & Hannah may have y^e^ iland bought of y^e^ widow Androws between y^m^ in equall ꝑportions, w^n^ they shall come to the age of 21 years;

That Elisabeth, Abigail, & Israell, to have each of y^m^ 20 nobles at y^e^ age of 21 years; y^e^ dweling house & 6 acres of land tied to make it good.

It is conceived meete y^t^ y^e^ estate of John Webstar, deceased, be ord^r^ed according to y^e^ widows desire, before exꝑssed, & y^t^ y^e^ widow should have pow^r^ to administ^r^, & y^t^ for y^e^ due ꝑformance of y^e^ betrust shee should put in her owne band for security to such a sum̃e as Ipswich Co^r^t next shall approve, & receive of her y^e^ inventory, amount^s^ to 147^t^ 5sh^s^.

M^r^ Sewell.

Upon y^e^ petition of Stephen Dum̃er, M^r^ Seawall was sent for.

Lande to be layd out to the Depty, to Cap^t^ Keaine, &c̃.

Whereas y^s^ Co^r^te hath form^r^ly granted to y^e^ wor^ll^ Thom: Dudley, Deputy Gov^r^, 274 acres of land, to Rob^r^t Keayne 400, to Capt̃ Perkins 400, to Rich^r^d Parker, ꝑ Jn^o^ Johnson, 436, to Capt̃ Jennings, Rich^r^d Browne, Leift̃ Hewes, Eld^r^ Heath, John Johnson, W^m^ Parks, & div^r^s oth^r^s, sev^r^all p̃cells of land, granted also by y^e^ Gen^r^all Co^r^t, between y^e^ bounds of Dedham & Watertowne, & did also appoint survey^r^s to lay y^e^ same out, — now, in regard so many are intrusted, & few looke after it, as also, for want of an ord^r^ly way of ꝓceeding, it hath bene neglected these many yeares, to y^e^ ꝑiudice of many, it is therefore ord^r^ed, y^t^ so many of y^e^ grantees as shall meete at y^e^ house of Rich^r^d Fairbanks, at Boston, on y^e^ 25^th^ day of Decemb^r^, 1646, & there put in their names, w^th^ y^e^ quantities of land granted to y^m^, & shall cast lots how ev^r^y mans p̃t shall lye, shall come in y^e^ first division to be layd out, & y^t^ y^e^ said first numb^r^ shall begin to lay out in some one place of y^e^ bounds above mentioned, & so to lye one by anoth^r^ as their lots fall, & in case sicknes or
[*161.] any oth^r^ impedim^t^ should hind^r^, Willi: Aspinwall or George *Munings, w^ch^ are now appointed to lay out y^e^ above said lots fro^m^ ꝓforming y^e^ same, y^t^ in

such case it shalbe lawfull for y^e^ maior p̃t of those first meeters above mentioned to make choyce of an oth^r^ to do y^e^ same. 1646.

4 November. Pessicus his childe.

Pessicus his sonne being put to James Davies wife to be neere M^r^ Oliv^r^, for cure of a fistula, it is ord^r^ed y^t^ she should be satisfied by the Treasurer.

M^r^ Winslowe.

The Co^r^te, haveing ꝑused those paps w^ch^ concerne y^e^ busines co̅mited to M^r^ Winslow, do consent to them.

M^r^ Hibbins recompence,

The Co^r^te doth acknowledge w^th^ thankfulness y^e^ good service of M^r^ Hibbens in his voyage for England, & conceive some comfortable measure of satisfaction should be made him therefore; but haveing intrenched hitherto on his patience, not doubting of his being deeply sencible, w^th^ us, of y^e^ great & urgent necessities & necessary charges w^ch^ y^s^ colony is at, for ꝑsent hopeing y^t^ he will not be unwilling to stay for his due recompence till a more meete season, w^ch^ we shall not willingly forget him in, on furth^r^ consid^r^ation he is granted thirty pounds.

& to the Secretary some recõps.

The Co^r^te is not a little affected w^th^ sorrow y^t^ y^e^ pov^r^ty of y^e^ country should so appeare at this time, as to w^th^draw the hono^r^able, respective, & due recompence to o^r^ Secretary for his deserving paines, as they are sencible of, & would willingly afford; but they hope y^t^ y^e^ benefit of y^e^ law for transcribing copies & fees are some recompence; for ꝑsent have granted him five pounds, & resolve to quicken y^e^ form^r^ ord^r^, & time would ꝑmit to enlarge y^e^ fees of offic^rs^ in this kind to their bett^r^ encouragem^t^.

Answers to the ꝓpositions w^ch^ the Und^r^takers for the Iron Works ꝑsented.

Answ^rs^ to the demands of the vndertakers of y^e^ ironworkes.

1. That whereas the Co^r^t y^e^ last yeare granted them, for 21 years frõ y^e^ 7^th^ of y^e^ first m̃, 1644, the priviledg of y^e^ iron works, they desire 21 year frõ y^e^ first of y^e^ 8^th^ m̃, 1645, w^ch^ the Co^r^te granted.

2. The Co^r^te granted that satisfaction to ꝓpriet^r^s should be issued by 3 men, one chosen by y^e^ Co^r^te, one by y^e^ und^r^tak^r^s, & one by y^e^ ꝓpricto^r^.

3. Whereas they desire (insteed of 10 years, for seting up & finishing any of their works, not exceed^g^ 6) y^e^ whole time of y^e^ grant, the Co^r^te dissents.

4. Whereas they desire to be left at liberty for more or lesse works not exceed^g^ 6, the Co^r^te grants their desire therein.

5. Whereas y^e^ Co^r^te granted y^m^ 3 miles square in land to ev^r^y worke y^t^ they shall set up & finish, not exceed^g^ 6, & y^t^ they thinke they are tyed to so many sev^r^all places accord^g^ to y^e^ numb^r^ of works they shall erect, their request is (in case they see cause) y^t^ they may erect so many works in one place (not exceed^g^ 6) as they shall thinke meete, & y^t^ they may have 3 miles square

1646. granted for ev'y such complete worke so set up, w^ch they desire may be laid
4 November. out to y^m in one place where they would have it w^r it is not y^m in ppriety, w^ch is granted.

6. Whereas they desire y^e Co^rte would not restraine y^m tho^m selling iron or iron worke, eith^r to Indians or enemies, any furth^r then we restraine others by law, w^ch the Co^rte graunteth.

7. Whereas they desire exemption fro^m watchings & trainings for all y^t they shall see meete to imply in y^r iron worke, only to bad seruts accord to ord^r, they are granted accords to form^r grant, w^ch is to exempt ffarrs, founders & hammen, &c. & others constantly implied, (w^ch we th^nke to be y^e true intent of y^e Co^rte in y^t grant,) y^m to be such as are so constantly implied, as those are y^t are imediately before expresst by y^e names of ffar^s, founders, &c.

8. Whereas they desire y^e filing up of y^e blanks, it is granted.

9. Whereas they desire y^e last pticuler may be left out, about desired to pvide a mil^r, it is granted that to be left out.

1647. *At Generall Co^rte at Boston, the 26^th of the 3^d M. 1647.*

26 May.

[*162.]

P^sent. The Gou^r.
The Deputy.
M^r Endecott.
M^r Bellingham.
Increase Nowell.

M^r Bradstreete.
M^r Dunne.
M^r Hibbens.
M^r Symonds.
Capt Bridges:

Deputies.

Leift Lothropp.
Jacob Reany.
Leift: Norton.
M^r Jose: Hill.
M^r Glover.
Leift Clapp.
Major Gibons.
M^r W^m Paige.
John Johnson.
Willi: Parks.
M^r Rich: Browne.
M^r Pendleton.
M^r Hollake.
M^r Spurhawke.
Edward Jackson.
M^r Ro: Paine.
M^r W^m Ramsdenne.
M^r Damon.

M^r Rawson.
Tho: Dyer.
Roseter Allen.
Joseph Hubbard.
M^r Griffin.
Hen: Chick^s
John Kingsbury.
M^r W^m Hooke.
W^m English.
M^r Edw^d Carleton.
M^r Bridgham.
Steph: Kingsly.
Capt Pelham.
Jo: Brewer.
Leift Gibons.
W^m Fiske.
M^r Clements.

1647.

JOHN WINTHROPE, Esq, was chosen Govr, & tooke his oath.
Thom: Dudley, Esq, was chosen Deputy Govr, & tooke his oath.
26 May.
John Endecot, Esq, was chosen an Assistant, & tooke his oath.
Rich: Bellingham, Esq, was chosen an Assistant, & tooke his oath.
Harbert Pelham, Esq, was chosen an Assistant.
Richd Saltonstall, Esq, was chosen an Assistant.
John Winthrope, Iuni, was chosen an Assistant.
Increase Nowell was chosen an Assistant, & tooke his oath.
Mr Symon Bradstreete was chosen an Assistant, & tooke his oath.
Mr Thom: Flint was chosen an Assistant, & tooke his oath.
Mr Willi: Hibbens was chosen an Assistant, & tooke his oath.
Mr Samu: Symonds was chosen an Assistant, & tooke his oath
Mr Willi: Pinchen was chosen an Assistant.
Capt Robt Bridges was chosen an Assistant, & tooke his oath.
Increase Nowell is chosen Secretary.
Mr Richd Russell is chosen Treasurer.
John Endecott, Esq, is chosen Maior Generall.
Thom: Dudley, Esq, is chosen one of the Comissionrs for ys yer.
John Endecott, Esq, is chosen the othr Comissionr for ys yeare.
Mr Symon Bradstreete is chosen to supply, if eithr of the former faile.
In answere to the request of the towne of Cambridge, the Corte doth allow & confirme Willi: French leift of that compa, & Edmond Winshope ensigne.

Mr Wm Tory is authorished to see people ioyne in marriage in Waymoth.

Thom: Miller, of Rowly, hath librty to draw wine there, paygs 15s p @.

Hugh Sherrot, of Havrell, hath librty to draw wine there, paygs 10s p @.

Antho: Staniard is chosen clarke of the writs at Excettr.

Rowly company havg chosen Sebastian Brigham their capt, & John Remington their leift, they are confirmed.

It is ordered, that Edm Gardner, ye officer for ye salt peter at Ipswich, should be alowed 5t out of ye treasury, in full satisfaction.

For bettr direction of officrs upon attachmts & executions, it is ordred, by authority of this Corte, yt where any officer is to serve any attachmt or execution upon any mans body, in any civill cause between party & party, he shall not be forced to keepe him above 12 houres, nor convey him to prison, except the pty who psecutes will lay downe ye charges & fees, or take such order for ye same whereby the officer may be indemnified in either of them; & if ye psecuter recover in his, or if it be upon execution, such charges & fees shalbe alowed in costs, as in other cases.

1647. Samu: Davies, of Winnetsemet, hath liberty granted him to keepe a house of comon intertainment, & to draw wine, he paying 30s p @ for his licence into the treasury.

26 May.

The powdr alowed to Boston for salutations being spent, so as some have bene forced to imply of their owne, it is ordred, yt a barrell of powdr be forthwth delivred by ye survey^{r} to James Oliver, for yt purpose, & he to stand charged wth ye care of it, so as ye country may be put to no furthr charge for ye occasions of yt kind for ye next yeare.

It is ordred by ye authority of this ^ yt henceforth all such as are to keepe houses of comon intertainmt, & to retaile wine, beere, &c, wth clarks of
[*163.] ye writs, & such as are to *end small causes, shalbe licensed at the Cortes of the sheire where they live, or ye Corte of Assistants, so as this Corte may not be thereby hindered in their more weighty affairs.

[For the names of those made free the 26 May, 1647, and entered in the margin of pages 162 and 163, see the list at the end of this volume.]

Upon ye petition of ye inhabitants of Excettr, ye Corte granted yt Serieant Thom: Pettet, as their principle officer for the psent, hath powr to exrcise ye compa according to law.

Thom: Miller, of Rowley, is granted liberty to draw wine, paygs 15s p @.

Upon information yt ye Indians dweling among us, & submitted to or govrmt, being, by ye ministry of ye word, brought to some civility, are desiros to have a course of ordinary iudicature set up among them, it is therefore ordred, by authority of this Corte, yt some one or more of ye magistrates (as they shall agree among themselues) shall, once evry quartr, keepe a Corte at such place or places where ye Indians do ordinarily assemble to heare ye word of God, & may yn heare & determine all causes, both civill & criminall, (not bes capitall,) concerning ye Indians onely, & yt ye Indian sachims shall have liberty to take ordr, in ye nature of sumons or attachmts, to bring any of their owne people to ye said Cortes, & to keepe a Corte of themselues once every month, (if they see occasion,) to determine small causes of a civill nature, & such smaller criminall causes as ye said matrates shall at any such Quarter Corte referr to them; & ye said sachims shall appoint officrs to serve warrants, & to execute ye ordrs & iudgmts of eithr of the said Cortes, wch officrs shall, from time to time, be alowed by ye said matrates in ye said Qrtr Cort, or by ye Govrnr, & yt all fines to be imposed upon any Indian, in any of ye said Cortes, shall go & be bestowed toward ye buildg of some meeting houses, or education of their porer childrен in learning, or othr publike use, by ye advice of ye said matrates, & Mr Eliot, or of such othr eldr as shall ordinarily instruct them in

y^e^ true religion; & it is y^e^ desire of this Co^r^te y^t^ those ma^trates^ who shall attend y^e^ keeping of y^e^ said Co^r^tes will carefully endeavo^r^ to make y^e^ Indians und^r^stand o^r^ most usefull lawes, & those principles of reason, iustice, & equity whereupon they are grounded. 1647. 26 May.

It is ord^r^ed, y^t^ 10^t^ should be given M^r^ Elliot, as a gratuity fro^m^ this Co^r^té, in respect of his greate paines & charge in instructing y^e^ Indians in y^e^ knowledg of God, & y^t^ ord^r^ be taken that y^e^ 20^t^ p @ given by y^e^ Lady Armin for y^t^ purpose may be called for & implied accordingly; & its desired y^t^ some care may be taken of y^e^ Indians on y^e^ Lords dayes.

There being now divers freem̃ & men of good ability in Hull, who may comfortably carry on y^e^ affaires of y^e^ towne, they are hereby enabled, by y^e^ authority of this Co^r^te, to order y^e^ prudentiall affaires of their towne according to the course of oth^r^ plantations, p̃vided y^t^, according to the form^r^ ord^rs^ of this Co^r^te, they endeavo^r^ y^e^ advancm^t^ of fishing, & y^t^ such fishermen as are there already, & other w^ch^ shall come thith^r^, may have all such reasonable priviledges & incuragm^ts^ as y^e^ place will affoard, & y^t^ such places as are fit for fish^r^men may be reserved for y^t^ purpose, & w^th^ this caution also: y^t^ W^m^ Parks, M^r^ Glover, & M^r^ Duncan, or any two of them, be appointed to see y^e^ ord^r^ of Co^r^te for × × × × × observed.

*It is ordered, y^t^ y^e^ fine of Mighill Smith, for his puting in of three beanes at once for one mans election, it being done in simplicity, & he being pore & of an harmles disposition, it is ord^r^ed his fine is suspended till furth^r^ ord^r^ from y^e^ Gen^r^all Co^r^te. [*164.]

Upon y^e^ petition of M^r^ Adam & Deane Winthrope, for y^e^ 1000 acres of land (granted to S^r^ Rich^r^d Saltonstall at Cochituit, & by him to his sonne, M^r^ Rob^r^t, & by them bought of him,) this 1000 acres is granted in a neck of land lying between y^e^ pond there & a small brooke ruñing into y^e^ said pond, & bound^s^ on y^e^ east, south, & west p̃ts, or some of them, & y^e^ farme lately granted to M^r^ Dunst^r^, p̃sident of y^e^ colledge, on y^e^ north^r^ly p̃t; & if there fall out to be more then a 1000 acres w^th^in y^e^ said bounds, this Co^r^te granteth y^e^ residue to M^r^ Deane Winthrope, as a p̃t of y^e^ land due to his hono^r^ed fath^r^, p̃vided, y^t^ it hind^r^ not any form^r^ p̃ingagem^ts^, & y^t^ they demand them w^th^in 6 months after the 29^th^ p̃sent, as also y^t^ y^e^ quantity desired by him exceede not y^t^ w^ch^ is due to o^r^ hono^r^ed Gov^r^n^r^; & Capt̃ Pelham, w^th^ M^r^ Pendleton, are appointed to see it layd out at y^e^ own^r^s charge. Rob^t^ Saltons^ll^ 1000 acr^s^ sold to M^r^ Addam & Deane Winthrop.

Walter Tybbot is alowed to draw wine at Glocest^r^, paying 20^s^ p ℔ @ rent, or fine.

M^r^ Stevens is granted to be y^e^ third man to end small causes there.

1647. Ralph Blesdall is alowed to draw wine at Salsberry, pay^{g} y^{e} rent appointed by y^{e} last ord^{r} of Co^{r}te.

26 May. Isaack Bozwell is granted to take y^{e} stray heif^{r} at Hampton, he be^{g} to returne it, if y^{e} true own^{r} appeare, else to keepe it for his owne, he paying y^{e} charge of y^{e} beast at Hampton.

668– Harmes done by horses, &c. Whereas this Co^{r}te hath long since ꝑvided, y^{t} all men should fence their corne, medow, & such like, against great cattle, to y^{e} end y^{e} increase of cattle, especially of cowes & their ofspring, should not be hind^{r}ed, there being then but few horses in y^{e} country, w^{ch} since are much increased, many whereof run in a sort wild, doing much damage in corne & oth^{r} things, notwthstand^{g} fences made up according to y^{e} true intent of y^{e} ord^{r} in y^{t} case established, many whereof are unknowne, most so unruly y^{t} they can by no meanes be caught, or got into custody, whereby their own^{r}s might answ^{r} damages, & if sometime, wth great difficulty & charge, they be, they are in dang^{r} of ꝑishing before y^{e} own^{r} appeares, or can be found out; all w^{ch} to ꝑvent, it is ord^{r}ed this Corte, & by y^{e} authority thereof, y^{t} ev^{r}y towne, & peculiar in this iurisdiction, shall give some distinct marke, lett^{r} or other, wth pitch, or such like, to all their cattle w^{ch} feede in open co$\bar{m}$on, wthout constant keep^{r}s, w^{ch} m^{r}ke shalbe agreed & ord^{r}ed by y^{e} Gen^{r}all Co^{r}te from yeare to yeare, whereby it may be knowne to what towne they belong; & if any trespas, not so marked, they shall pay double damages; nor shall any ꝑson, knowing or aft^{r} due notice given of any beast of his to be unreasonable in respect of fences, suff^{r} him or them to go in co$\bar{m}$on, or against corne feilds, or oth^{r} imꝑpriate inclosed grounds, fenced as aforesaid, wthout such sufficient shakles & fett^{rs} as may restraine & ꝑvent trespas therein from time to time; & if any horse, or horses, or oth^{r} beast trespas in corne or oth^{r} inclosure, be^{g} fenced in such sort as secures against cowes, oxen, & such like ord^{r}ly cattle, y^{e} ꝑty or ꝑties trespased shall ꝓcure two sufficient inhabitants of y^{t} towne, ꝑsons of good rep^{r}t *& credit, to veiw & adiudge y^{e} harmes, w^{ch} y^{e} own^{r} of y^{e} beast shall satisfy when knowne, upon reasonable demaund, wheth^{r} y^{e} beast were impounded or not; but if y^{e} own^{r} be knowne, or neere residing, as in y^{e} same towne, or y^{e} like, he shall forthwth have notice of y^{e} trespas or damage charged upon him; y^{t} if he apꝑve not thereof, he may nominate one man, wth one such other, chosen by y^{e} ꝑty damaged, shall reveiw & adiudge y^{e} said harmes, ꝓvided they agree of damage wthin one day aft^{r} due notice given, & y^{t} no aft^{r} harmes int^{r}vene to hind^{r} it, w^{ch} being forthwth discharged togeth^{r}, wth y^{e} charge of y^{e} notice, form^{r} veiw & determination of damages, y^{e} first iudgm^{t} shalbe voyde, or else to stand good in law.

Ex: 22, 5, & 21, 36.

[*165.]

M^{r} Samu: Dudly, M^{r} Batt, & Rob^{r}t Pike are appointed for y^{e} end^{g} of small causes at Salsberry.

Mr Samu: Dudly is appointed to associate in ye Corte at Ipswich. 1647.

It is ordred, by ye authority of this Corte, yt in regard ye Corte of Assistants, wch fals in course ye next weeke, cannot be held wthout great intrruption of ye more weighty affaires of this Genrall Corte, ye same shalbe & is hereby adiourned to ye 29th of ye 4th m̃ next, & yt ye Corte to be held at Salem is adiorned to ye 6th of ye 5th m̃ next, & yt notice be forthwth given through ye country of ye adiornmt of both, by bills to be set upon ye dores of ye meeting houses in ye sevrall townes, & ye deputies are desired also to publish ye same, as farr as they conveniently may. 26 May.

To Mr Franc̃ Doughty: You may undrstand yt yor sistr, Mrs Elisa: Cole, 4. mo, 12.
haveg petitioned or Genrall Corte, ye Corte hath thought meete to ordr as followeth, though nothing was shewed, in ye 6 months limited by ye Corte of Assistants, why ye deede should not be canceled, nor nothing since wch may cause us to question ye formr verdit & iudgmt, yet for ye more full satisfaction of ye petitionr, & yt ye iust ꝓceedings of ye Corte in ye tryall aforesaid may ye bettr appeare, it is now ordred, yt a lettr shalbe written by ye Secretary, & by a trusty messengr forthwth sent to ye said Franc̃ Doughty, expressg therein ye effect of ye said petition, wch is for her evidence to be made good, wch is canceled, yt thereby releife & supply of maintenance may redound to yor petitionrs account, accordg to God, & wthall desiring him to come, or to send to ye Corte an authentick coppy of ye deede of release, or othr instrumts or evidences wch in Corte he formrly ꝓduced, & whereupon ye verdit & iudgment aforesaid ꝓceeded, wth all convenient speed wthin 6 months, giving him to understand wthall yt if he shall faile to satisfy ye iust & reasonable desire of ye Corte herein, ye Corte is resolved to ꝓceed by all legall wayes to do what may most tend to ye clearing of ye iustice of ye Corte, & full satisfaction to ye petitionr, accordg to equity.

Mr James Browne, Mr John Lowle, & Henry Shorte are appointed & authorished to end small causes at Newberry.

Whereas ye ordr of ye 9th m̃, 1636, N. 317, seemes to limit ye election of 669–
millitary officers in ye sevrall townes to such onely as are of ye trained band, & so thereby all such freemen as are exempt from ordinary training should be barred from haveing any votes in such elections, it is hereby declared & ordred, yt evry freeman shall have his vote in such elections, as if he were *were* of ye traine band, any thing in ye said ordr, or any othr law or practice, to ye contrary in any wise notwthstanding, × × × freeman shalbe bound to take notice of ye time of *such election, upon open declaration thereof at [*166.]
any genrall meeting of such trained band.

1647.

26 May. Mr Bozoon Allen dismist ye. Court.

The towne of Haverell having chosen Robrt Clements, Henry Palmer, & Thom: Hale to end small causes there, they are alowed.

Mr Allen, upon large debate of what hath bene suggested touchg ye libell, & for his refusing, accordg to his ꝓmise, & ye vote of ye Corte to ꝓduce his witnesses for satisfaction to ye Corte, is dismissed from any furthr attendance on ye service of ye Corte for this session.

670– Diur highway.

Upon information yt divers high wayes are much annoyed & incumbred by gates & rayles erected upon them, it is ordred & enacted, by ye authority of this Corte, yt, upon any information or complaint made eithr to ye Corte of Assistants, or any County Corte, of any such gates or rayles erected or to be erected upon any comon high way, ye same Corte shall appoint a comittee of discreet & indiffrent ꝑsons to veiw such incumberance, & to ordr ye reformation thereof; & if ye ꝑties whom it shall concerne shall not submit to such order, they shall require them to appear at ye next Corte, where ye cause shalbe heard & determined for ye ease & conveniency of travelers, wth due respect to ye ꝑprictrs cost & damage.

Mr Prichard, being chosen capt of ye traine *traine* band in Roxberry, is confirmed by ordr of this Corte.

John Baker is licensed to draw wine at Ipswich, accordg to ordr.

Mr Alcocks mortgage.

The morgage of three ꝑcels of land by John Alcock to Willi: Parks is confirmed.

Comittee to lay out conuenient high way.

The Corte hath appointed Leift Sprage & Franc Smith to lay out ye way from Winnetsemet to Reading; to Serieant Marshall & Nicho: Hoult to lay out ye way from Reading to Andiver; John Osgood & Thom: Hale from Andivr to Havrell; James Davies, Iuni:, & Antho: Staniell from Havrell to Excetter; & also appoint Leift Sprage, Serieant Marshall, & Nicho: Hoult as a comittee to veiwe ye ryver, & make returne to ye Corte of ye necessity & charge of a bridge, & make returne to ye next session of this Corte.

Mr Robrt Saltonstall is granted a new hearing of his cause wth Watertowne men, he having given security to answere ye charge, & ye towne haveg timely notice.

671– Smale thefts.

Forasmuch as many times it so fals out yt small thefts & othr offences of a criminall nature are comitted both by English & Indians in townes remote from any prison, or other fit place to wch such malefactors may be comited till the next Corte, it is therefore hereby ordred, yt any matrate, upon complaint made to him, may heare, & upon due ꝓfe detrmine, any such small offences of ye aforesaid nature, accordg to ye lawes here established, & give warrant to ye cunstable of yt towne where the offendr lives to levy ye same; ꝓvided ye damage or fine wch shalbe by him adiudged exceede not forty shillings; ꝓvided,

also, it shalbe lawfull for eith^{r} p̃ty to appeale to y^{e} next Co^{r}te to be held in y^{s} iurisdiction, give^{s} sufficient caution to ꝓsecute y^{e} same to effect, at y^{e} said Co^{r}te; & ev^{r}y ma^{trate} shall make their returne yearly to y^{e} Co^{r}te of y^{t} iurisdiction wherein he lives of *what cases he hath so ended, & y^{e} cunstable of such fines as they have received; & where y^{e} offend^{r} hath nothing to satisfy, such ma^{trate} may punish him by stocks or whiping, (as y^{e} cause shall deserve,) not exceeding tenn stripes. 1647. 26 May. [*167.]

The petition of M^{rs} Clarke, of Salem, is granted, (at ꝓsent,) & she to continue or desist fro^{m} keeping y^{e} ordinary, as Salem Co^{r}te shall ord^{r}; ꝓvided, y^{t} she pay tenn pounds ꝑ @ for drawing wine, (if she draw any,) & y^{t} shee ꝓvide a fit man, y^{t} is godly, to manage y^{e} busines, this man to be alowed b̄y Sale^{m} Co^{r}te. Ans^{r} to M^{rs} Clarks peti.

Upon y^{e} petition of y^{e} inhabitants of Dover, it is ord^{r}ed, y^{t} M^{r} Bellingham & M^{r} Bradstreete shall keepe Co^{r}te at Pascataq for this yeare; & if eith^{r} of them shall faile through any unexpected ꝓvidence, y^{e} Gov^{r}n^{r} & Deputy Gov^{r}n^{r} & one of y^{e} ma^{trates} shall appoint some oth^{r} in their place. Dou^{r} Court.

This Co^{r}te taking into consid^{r}ation y^{e} great warrs, combustions, & divisions w^{ch} are this day in Europe, & y^{t} y^{e} same are obs^{r}ved to be cheifly raised & fomented by y^{e} secret und^{r}minings & solicitations of those of y^{e} jesuiticall order, men brought up & devoted to y^{e} religion & co^{r}te of Rome, w^{ch} hath occasioned div^{r}s states to expell them their territories, &c, for ꝓvention of like evils among o^{r}selues, it is therefore ord^{r}ed & enacted by authority of this Co^{r}te, y^{t} no Jesuite or spirituall or ecclesiasticall ꝑson, (as they are tearmed,) ordained by y^{e} authority of y^{e} pope or sea of Rome, shall henceforth at any time repair to or come wthin this iurisdiction; & if any ꝑson shall give iust cause of suspition y^{t} he is one of such society or ord^{r}, he shalbe brought before some of y^{e} magistrates; & if he cannot free himselfe of such suspition, he shalbe cōmited or bound ov^{r} to y^{e} next Co^{r}te of Assistants, to be tryed & ꝓceeded wth by banishm^{t} or oth^{r}wise, as y^{e} Co^{r}te shall see cause; & if any such ꝑson, so banished, shalbe taken y^{e} second time wthin this iurisdiction, he shall, upon lawfull tryall & conviction, be put to death; ꝓvided, this law shall not extend to any such Jesuite, &c, as shalbe cast upon o^{r} shoares by shipwreck or oth^{r} accident, so as he continue no longer then till he may have oportunity of pasage for his dep̃ture, nor to any such as shall come in company wth any messeng^{r} sent hith^{r} upon publike occasions, or any marchant, or m^{r} of any ship belonging to any place not in enmity wth y^{e} state of England or o^{r}selues, so as they dep̃t againe wth y^{e} same messeng^{r}, m^{r}chant, or m^{r}, & behave themselues inoffensively during their abode here. 672— Ord^{r} ꝓhibiting Jesuits. Death.

1647. 26 May. Shepʳdson. [*168.] Upon p̄sentmᵗ of yᵉ will & inventory of Daniell Shepardson, it is ordʳed yᵗ yᵉ land should go according to the *fathers will to yᵉ sonne, or recompence according to value of 21ᵗ 10shˢ; & because yᵉ mothʳ hath bene at great charge in educating yᵉ sonne three yeares, & is still to be, she should be alowed yᵉ tooles, & bellowes, & armes for yᵗ; & yᵗ yᵉ daughtʳˢ shall have of what their fathʳ hath given them onely to yᵉ value of nyne pounds each of them for their part.

3 men Dorch. Mʳ John Glover, Capt̃ Humphry Atherton, & John Wiswell are appointed to end small causes in Dorchestʳ.

673– Upon yᵉ marshall his petition, it is ordʳed, yᵗ he should have 12ᵈ in yᵉ p̄ound out of all yᵉ fines yᵗ he shall gathʳ up.

Mʳ Coffins licenc̃. The Coʳte doth grant Tristram Coffin to keepe an ordinary at Newberry, & to retayle wine, paying according to ordʳ; & also he is granted liberty to keepe a ferry on Newberry side, ovʳ Merrimack, when the interest of George Carr shalbe determined, & yᵗ Georg Carr shall have libʳty to keepe his boate going on Salsberry side.

Horsbridge at Watertown mill. Whereas complaint hath bene made to this Coʳte of yᵉ greate want of a horse bridge neer unto Watertowne Mill, & yᵗ yᵉ want thereof hath hazarded yᵉ lives of severall p̄sons, & may endangʳ many more, & for yᵗ yᵉ best & most cō̄odious place is in yᵉ bounds of Watertowne, it is ordered, by yᵉ authority of this Coʳte, yᵗ there be a sufficient horse bridge made over yᵉ ryver there by yᵉ inhabitants of yᵉ towne of Watertowne, before yᵉ first of yᵉ 9th m̄ next ensuing, upon paine of forfeiture of 10ᵗ, & after yᵗ 10shˢ a day to yᵉ country till it be made up as aforesaid.

Gouʳ Winthrop allowanc̃. The Coʳte, in a gratefull remembrance of yᵉ good service oʳ honoʳed Govenʳ hath done for this colony, in yᵗ place, yᵉ yeare past, have thought meete to render him all harty, due, & thankfull acknowledgment therefore, & allow him one hundred pounds, as a small testimony of their loveing acceptance of his endeavoʳˢ.

674– Six dayes warning on sum̄ons. For explanation of yᵉ order in yᵉ liberties, about 6 dayes warning to be given to yᵉ defendᵗ in every action, &c, it is hereby declared, yᵗ yᵉ day of yᵉ sum̄ons or attachmᵗ served & yᵉ day of ap̄pance shalbe taken inclusively as p̄t of yᵉ sixe dayes.

675– Courtˢ reference to yᵉ synod. The Coʳte thinke it meete yᵗ whosoever is or shalbe called to the place of yᵉ maior genʳall shalbe at liberty to have those of his owne family trained up in millitary discipline, as himselfe shall iudge most meete, wᵗʰout being compelled, or called upon by any inferioʳ officer, to send them to attend yᵉ ordinary trainings.

The Coʳte thinke it convenient yᵗ order be given to yᵉ auditoʳ to send 12

gallons of sack & 6 gallons of white wine, as a small testimony of ye Corts respect, to yt revrend assembly of eldrs at Cambridge. 1647.

26 May.

It is ordered, yt in all comon feilds of medow & pasture, wherein there are sevrall pprieties fenced in by one comon fence, made by ye sevrall pprietors, in all those feilds the pprietors of ye greatest pt of ye land in such feilds shall hereby have powr to ordr & appoint ye impvemt of ye whole feild, save of such pprietors of land as shalbe sufficiently fenced in by itselfe, wch any such pprietor may lawfully doe. 676– Order as to fencing.

*Mr Oliver, haveing had Pessicus his sonne in cure of a fistula about 20 weekes, wch being now accomplished, (through ye blessing of ye Lord,) it is thought fit yt he should be satisfied for ye cure, & for yt end yt ye auditor should agree wth him, & give him a bill to ye treasurer for ye same, so as ye sume given to Mr Olivr be charged on Pessicus. [*169.]

Waymoth haveing a swamp, supposed to be above 100 acres, they are granted librty to lot it out amongst themselues, yt it may be for their good.

Upon complaint of great disordr yt hath bene observed, & is like further to increase, by ye use of ye game called shovelboard, in houses of comon intertainmt, whereby much pcious time is spent unfruitfully, & much wast of wine & beare occasioned thereby, it is therefore ordred & enacted, by ye authority of this Corte, yt no pson shall henceforth use ye said game of shovelboard in any such house of comon intrtainmt, nor in any othr house used as comon for such purpose, upon paine for evry keeper of such house to forfeite for evry offence 20s, & for evry pson playing at ye said game in any such house to forfeit for evry offence 5s, & any matrate may heare & determine any offence against this law. 677– Shouell brd.

Forasmuch as many complaints have bene made of a very evill practice of some disordred psons in ye country, who do use to take othr mens horses sometimes upon ye comons, & sometimes out of their owne grounds & inclosures, & ride them at their pleasure, wthout any leave or privity of ye ownrs, it is therefore ordred & enacted, by ye authority of this Corte, yt whosoevr shall take any othr mans horse, or mare, or any draft beast, eithr out of his owne inclosure, or upon any comon, or elsewhere, (except such be taken damage feasant & disposed of accordg to law,) wthout leave of ye owner, & shall ride or use ye same, he shall pay to ye pty wronged treble damages; or if ye complaynant shall desire it, then to pay onely 10s, & such as have not to make satisfaction to be punished by whiping, or imprisonmt, as shalbe iudged. 678– Abt horses.

In regard of ye weaknes of ye prison, & yt to have iustice now deluded by any escape, would reflect much dishonor upon ye Corte, & minister matr of insulting to ye adverse pty, it is ordred, by authority of this Corte, yt ye keeper

1647. 26 May

shall huire 2 able men, such as may be trusted w^th^ a matter of so great moment, & if he cannot huire any such, then upon sight hereof y^e^ cunstables of Boston, or any of them, shall from time to time impresse 2 such men, who shall assist y^e^ keeper in guarding y^e^ prisoners day & night, & when they go to y^e^ publike meetings, & they shalbe alowed 3sh^s^ p day & night, each of them, out of y^e^ fines of y^e^ prisoners.

It is furth^r^ ordained, y^t^ if all y^e^ prison^r^s of D^r^ Childs conspiracy shalbe once discharged out of prison, except one or 2, y^e^ keeper shall keepe such [*170.] one or two of them in irons, *except they wilbe at charge of such guarde as y^e^ ma^trates^ of Boston shall appoint ov^r^ them.

Smiths. It is ord^r^ed, y^t^ Edm^o^ Bridges, for his neglect of shooing M^r^ Symonds horse, (when he was to come to Co^r^te,) should be required, by warrant fro^m^ this Co^r^te, to answere this complaint, & his neglect to furth^r^ publike service at y^e^ next County Co^r^te for y^t^ sheire to heare & determine y^e^ case, & y^t^ returne be made to y^e^ Gen^r^all Co^r^te of y^e^ issue thereof.

1. It is conceived meete, y^t^ it be declared by y^e^ authority of this Co^r^te, y^t^ y^e^ com̃ission granted to y^e^ maior p̃t of y^e^ towne of Newberry, & y^e^ ꝓceedings thereupon, to be legall & warrantable.

Newb^r^ case determined. 2. That if any erro^r^s were in y^e^ said com̃ission, &c, or any dissent from y^e^ same by any of y^e^ minor p̃t, &c, yet they are all concluded fro^m^ taking any exception thereto, in regard of their acceptance of y^e^ recompence ord^r^ed for satisfaction.

3. That y^e^ petition^r^s of y^e^ minor p̃t have failed in not submiting to their owne covenant.

4. That a lett^r^ be written from this Co^r^te to the two eld^rs^, & those brethren of y^e^ maior p̃t, y^t^ for peace sake they would please by turnes to supply y^e^ other p̃t, &c.

Com̃ittee about y^e^ lawes. The Co^r^te, und^r^standing y^t^ y^e^ com̃ittee for ꝓfecting y^e^ lawes appointed by y^e^ last Gen^r^all Co^r^te, through streights of time & oth^r^ things intervening, have not attained what they expected, & on all hands so much desired, touching a body of lawes, thinke meete & necessary y^t^ o^r^ hono^r^ed Gov^r^n^r^, M^r^ Bellingham, M^r^ Hibbens, y^e^ Auditor Gen^r^all, Leift̃ Johnson, & M^r^ Hills be chosen as a com̃ittee of this Co^r^te to do y^e^ same, according to y^e^ aforesaid ord^r^, against y^e^ next sessions in y^e^ 8^th^ m̃, or y^e^ next Gen^r^all Co^r^te.

The com̃ission about y^e^ Mores is continued in y^e^ hands of y^e^ same men w^ch^ were chosen by y^e^ last Co^r^te.

M^r^ Hill, M^r^ Ting, & Leift̃ Norton are chosen a com̃ittee to ioyne w^th^ y^e^ Secretary, to examine y^e^ entry of y^e^ ord^r^s of this Co^r^te, & ꝓfect y^e^ same, &c.

For y^e^ oth^r^ ꝑsons, Stephen Fosditch, Harman Garret, &c, bound over to this Co^r^te, they are referred to y^e^ next Co^r^te of Assistants. 1647.

26 May.

The Co^r^te, haveing notice of y^e^ debt due to Hugh Gulliso^n^ for dyet, thinke it meete y^t^ y^e^ custome of wine should be alowed to him on indifferent prizes for y^e^ ꝑsent Co^r^te. Dep^t^ dyet.

This Co^r^te, taking into consid^r^ation y^e^ usefull ꝑtes & abilities of div^r^s inhabitants amongst us, w^ch^ are not freemen, w^ch^, if imꝑved to publike use, y^e^ affaires of this co^m^on wealth may be y^e^ easier carried an end, in y^e^ severall townes of this iurisdiction, doth hereby declare y^t^ henceforth it shall & may be lawfull for y^e^ freemen w^th^in any of y^e^ said townes to make choyce of such inhabitants, though non freemen, who have taken or shall take y^e^ oath of fidelity to this goverm^t^ to be iury men, & to have their vote in y^e^ choyce of y^e^ select men for towne affaires, asseasm^t^ of rates, & other prudentials *ꝑꝑ to y^e^ select men of y^e^ severall townes, ꝓvided still y^t^ y^e^ maior ꝑt of all companies (of select men be freemen) from time to time y^t^ shall make any valide act, as also where no select men are to have their vote in ord^r^ing of schooles, hearding of cattle, laying out of high wayes, & distributing of lands, any law, usage, or custome to y^e^ contrary notw^th^standing; ꝓvided, also, y^t^ no non freeman shall have his vote untill he have attained y^e^ age of 24 yeares; ꝓvided, also, y^t^ none y^t^ are or shalbe detected & convicted in any Co^r^te of any evill carriage against the goverm^t^, or co^m^onwealth, or churches, (it being intended to be i^m^mediately done,) shalbe capable to vote untill y^e^ Co^r^te where he was convicted or sentenced hath restored him to his former liberty. 679– Non freem^n^ liberty. [*171.]

This Co^r^te deepely sencsible of upholding, & all we can to increase all fortifications against forraigne enemies, as also of y^e^ greate & unsufferable pressures, & extreame exigents of Captaine Davenport, his garrison, & family, a thing no lesse greivos to many of y^e^ Co^r^te then burthensome to him, & therefore thinke it very iust & meete, y^t^ y^e^ capt^n^ petition should be granted for y^e^ three ꝑticulers conteined therein, & therefore do hereby order & enact, by y^e^ authority of this Co^r^te, y^t^ Leifte: Norton, Leift^n^ Johnson, & John Johnson, or any two of them, be appointed, authorished, & hereby enabled to examine y^e^ whole matter, touching y^e^ defects of y^e^ townes, both in respect of arreares in paym^t^ & compleating of workes by them und^r^taken, as also to levy all fines & pœnalties incurred by such neglect, & to imply it toward satisfaction of arreares, or compleating y^e^ workes & supply of such a^m^unition & things as are wanting & to them seemes meete & convenient; also, hereby pow^r^ is given to y^e^ said Leift^n^ Norton, &c, to levy all arreares aforesaid, by distres (of such inhabitants of y^e^ said townes fro^m^ whom they are due) or otherwise, & forthw^th^ to pay it to y^e^ said Capt^n^ Davenport; also, hereby pow^r^ is given to y^e^ said 680–

1647. Leift Norton, &c, to impres men in ye sevrall townes to supply a garrison there at ye Castle Iland, according to ye formr agreemt, there to serve in their course & ordr, unles they, or any of ye said townes, shall compound wth ye capt̃ for it; lastly, hereby powr is given to ye said Leift Norton, &c, to require & receive of ye Treasurer so much as will fully answere ye capt̃ demaunds in his petition, whose receit undr their hands shalbe ye Treasurers discharge for so much, ꝓvided, yt all arreares of ye townes & at least so much of ye fines be

26 May.

[*172.] first levyed, as to ye said Leift̃ Norton, &c, seemes *meete & necessary to compleate the workes according to their agreemt.

The Cort̃e is adiourned to the last 4th day of the 8th m̃, except the Govrnr see cause to call one sooner.

The bill of 23t, due to the widow Wilson, was ordered to be alowed her.

[*173.] 27 October.

**At a Session of the Generall Cort, the 27th of the 8th Month, 1647, at Boston.*

COMISSION is granted to Capt̃ Hathorne, for solemnizing a marriage betweene Thom: Jeggels, of Salem, & Abigaile Sharpe, of Salem.

Comission is hereby given to Willi: Denison, to presse any sufficient workman or workmen to repaire defects of a certeine bridge in Roxberry bounds, they paying due wages for the same.

Anthony Sum̃ersby to be clarke of the writs at Newberry, & to record births, deaths, & marriages, in the place of John Lowle, deceased.

Jonathan Negus is granted the inheritance of the house & ground of John Lug to the value of about 20t, that he may dispose of the same towards the education of his five children.

Robrt Elwell, Willi: Browne, & Wm Dudbrige are granted a tryall of their action wth Mr Tuttle, by appeale at ye next Qrtr Cort̃e at Boston, they giving Mr Tuttle notice at least 14 dayes before the tryall.

The Cort̃e granted that a speciall Cort̃e be called upon the 18th of the 9th m̃, for tryall of a cause wherein Mr Barkley is plt agt Mr Wm Ting, Mr Stoddard, &c.

Leift̃ Lothrope (haveing urgent occasion at sea) desiring dismission for this session, wch, considring here is anothr for that towne, is granted.

Henry Chickering, being in this next ship to go for England, is dismised from his furthr attendance on the service of the Cort̃e.

For the p̃sent order for Pumhom, for his wintrs ꝓvision of corne, &c, it is ordred, that a messenger be forthwth ꝓvided by the auditor genrall, & sent to those p̃ts to treate wth Willi: Arnold, or Benedict Arnold, for ꝓcuring 100

bushels of corne fro[m] Pessicus, at indifferent prizes to be alowed, in the payment of the rest of the wampom due from him. 1647.

27 October. Dr Childs 50li fine.

Whereas Docto[r] Rob[r]t Child oweth for a fine due to the country the sume of 50[t] of lawfull mony charged upon him by the Gen[r]all Co[r]te in the 9[th] m̃, 1646, w[ch] is unpaid, & himselfe gone out of this iurisdiction into Europe, & whereas he hath a stock going in the iron workes, under the managment of M[r] Leader, to the value of 450[t], it is therefore ordered by this Co[r]te, that the audito[r] gen[r]all hath hereby pow[r] & authority given unto him to make sale of so much of the said stock of 450[t] as will p̃sently yeild y[e] 50[t] due to y[e] country.

M[r] Willi: Ting, being chosen capt̃ of the company of Braintree, at their request is confirmed in that place.

In answere to the petition of John Heyden, for releife in regard of his owne infirmity, & his child bereaved of his censes, it is replied, if the church or towne be not able to releive their pore, themselues are to petition for help, & then it is fit they should be helped out of the publike treasury; but otherwise they must take care of their owne poore, as oth[r] townes do.

It was ordered, that warrant be sent from this Co[r]te, directed to John Seely & Antipas Maverick, or eith[r] of them, belonging to y[e] Ile of Shoales, to attach the wife of Willi: Wormewood, and bring her before the Governo[r] & oth[r] of the magistrates at Boston, who may comitt her or bind her to the next Co[r]te of Assistants, if they shall see cause.

*The Oath to be administred to the Marshals, by Order of the Gen[r]all Co[r]te. [*174.]

Yo[u] shall diligently, faithfully, & w[th] what speed yo[u] may, collect & gath[r] up all such fines & sum̃es of mony in such goods as yo[u] can find of every p̃son, for w[ch] yo[u] shall have warrant so to do by the Treasurer for the time being, & w[th] like faithfulnes, speed, & diligence levy the goods of every p̃son, for w[ch] yo[u] shall have warrant so to do, by any execution granted by the Secretary or oth[r] clarke authorished thereunto for the time being, & the same goods, so collected or levied, shall, w[th] all convenient speede, deliver in to Treasurer or the p̃sons to whom the same shall belong; & yo[u] shall, w[th] like care & faithfulnes, serve all attachm[ts] directed to yo[u], w[ch] shall come to yo[r] hands, & returne y[e] same to the Co[r]te to w[ch] they are returnable at the time of the returne thereof; & yo[u] shall p̃forme, do, & execute all such lawfull com̃aunds, directions, & warrants w[ch], by lawfull authority here established, shalbe com̃itted to yo[r] care & charge, according to y[e] duty of yo[r] office: all these things yo[u] bind yo[r]selfe unto by this yo[r] oath to p̃forme during all the time yo[u] continue in your office, w[th]out favo[r], feare, or partiality of any p̃son. 681–

1647. 27 October. If yo^{u} meete wth any case of difficulty w^{ch} yo^{u} cannot resolue by yo^{r}selfe, yo^{u} may suspend till yo^{u} may have advice from authority. So help yo^{u} God.

Phineas Fiske is granted to keepe an ordinary in Wenham.

The inhabitants of Makerell Cove are granted their petition to be free from being called to watch at Salem, wth this ꝓviso, that the said inhabitants shalbe lyable to watch there by direction of the cunstable, & the iniunction of millitary officers in times of danger.

Synod. Whereas there is a synode in being, & it is y^{e} purpose, beside y^{e} clearing of some points in religion questioned, to set forth a forme of church goverm^{t}, accord^{g} to y^{e} ord^{r} of y^{e} gospell, & to that end there are certeine members of y^{e} synode that have in charge to prepare y^{e} same against the synode; but this Co^{r}te conceiving that it is as fully meete to set fourth a confession of y^{e} faith we do ꝓfesse touching y^{e} doctrinall p̃t of religion also, we do desire, therefore, these rev^{r}end eld^{r}s following to take some paines each of them to ꝓpare a breife forme of this nature, & ꝓsent y^{e} same to y^{e} next session of y^{e} synode, that, agreeing to one, (out of them all,) it may be printed wth the oth^{r} M^{r} Norrice, M^{r} Cotton, M^{r} Madder, M^{r} Rogers, of Ipswich, M^{r} Sheopard, M^{r} Norton, & M^{r} Cobbet.

M^{r} Bryan Pendleton & Michaell Bairstow are alowed to take so much out of the house of Thom: Philpot, upon the sale thereof, as to discharge their engagm^{t} of about 6^{t} to y^{e} keeper for him.

In Answere to M^{r} Dunsters Petition, —

College. Vide p^{a} 178.

	^{t}	shs	
First, we find due from the country to y^{e} colledge, out of y^{t} w^{ch} was given by sev^{r}all donors in England, 133^{t}, ...	133	00	0
2^{ly}, there is supposed to be due to y^{e} colledge upon y^{e} countrys gifte, ...	190	16	0
3^{ly}, we find due to y^{e} colledge, in relation to y^{e} ꝓsident hav^{g} falen short so much of y^{t} w^{ch} he should ha' rec^{d} annually from the country, ...	056	00	0

[*175.] *4^{ly}, we conceive it reasonable y^{t} there should be 50^{t} taken out of y^{e} 190^{t} 16^{s}, & p^{d} to M^{r} Davison, accord^{g} as y^{e} ꝓsident doth desire.

5^{ly}, we conceive it to be most convenient y^{t} what doth now appeare to be due fro^{m} y^{e} country to y^{e} colledge, y^{t} it be forthwth p^{d} to y^{e} colledge or otherwise, to alow not exceed^{g} 8 ꝑ c^{o} to y^{e} colledge so long as it lyes in y^{e} handes of the country.

6^{ly}, wee iudge it fiting y^{t} Capt̃ Keayne & W^{m} Parks should be a coñittee appointed to examine y^{e} ferry men of Charles Towne wherefore they make

such complaintes to y^e ꝑsident as tends to y^e lose & damage of y^e colledge, as also of any their miscarriages to members of y^e Co^rte & oth^rs. 1647.

27 October.

Lastly, we conceive it very necessary y^t such as studies phisick or chirurgery may have liberty to reade anotomy, & to anotomize once in foure yeares some malefacto^r, in case there be such as the Courte shall alow of.

For the ꝑticul^r touching yong schollers, we referr to y^e consid^ration of y^e Co^rte to agree an order for it.

11 November.

Whereas there hath a long time bene a difference between M^r Rob^rt Saltonstall, as agent for S^r Rich^rd Saltonstall, & the towne of Watertowne, for & about certeine acres of medow, by him alleaged to be fifty acres, more or lesse, neere adioyning to y^e towne, w^ch his fath^r had possession of, for w^ch a tryall at y^e Gen^rall Co^rte now siting was to be had, & entered upon; but on a motion y^e abovenamed Rob^rt Saltonstall, on y^e behalfe of himselfe, & for y^e use of his fath^r, S^r Rich^rd, & John Sherman, as atturny for y^e towne of Watertowne, did mutually choose M^r Edw^d Carleton & M^r John Johnson as arbitrato^rs to heare & determine all differrences betweene them in that respect, did, & by these presents do, bind themselues each to oth^r, in 500^l a peece, to stand unto, abide by, & ꝑforme y^e finall award & determination of y^e above mentioned arbitrato^rs. Witnes now these ꝑsents, that we, Edw: Carlton & John Johnson, having heard & examined all y^e evidences brought by eith^r of them, w^th relation to y^e above mentioned medow, do give in this ꝑsent writing as o^r finall award & determination thereabout, w^ch we desire may be entered upon record.

First, we determine & award y^e abovenamed Jn^o Sherman, his heires, executo^rs, &c, in y^e behalfe of y^e towne of Wat^rtowne, shall pay, or cause to be paid, on y^e 15^th of y^e 9^th m̃ next ensuing y^e date hereof, being in y^e yeare 1648, y^e sum̃e of 20^l in marchantable corne, or cattell, & 20^l more in like marchantable corne, or cattell, on the 15^th of y^e 9^th m̃ in y^e yeare 1649, to y^e said Rob^rt Saltonstall, his heires, executo^rs, &c, at y^e house of Rob^rt Long in Charlestowne.

Secondly, we award & determine y^t y^e said Rob^rt Saltonstall, his heires, executo^rs, &c, shall not be lyable to defray aiy charge of y^e Co^rts expence of their time in hear^g y^e cause.

Thirdly, we determine & award y^t y^e said Rob^rt Saltonstall shall accept of y^e said 40^l in y^t mann^r to be paid as above is mentioned, *as full & compleat satisfaction for all such medowes & upland w^ch he hath form^rly demanded, & now petitioned for, in y^e behalfe of his father, S^r Rich^rd Saltonstall, & y^t y^e said Rob^rt Saltonstall shall deliv^r in all his papers & evidences [*176.]

1647. 11 November. w^ch^ he ꝑduced into y^e^ Co^r^te to be defaced & añihilated, that any way concerned the difference between them. And furth^r^, we award, conclude, & determine, y^t^ all actions in respect to the differences above mentioned shall cease, & y^t^ neith^r^ S^r^ Rich: Saltonstall, nor Rob^r^t his sonne & agent, shall hencefourth molest or trouble any of y^e^ inhabitants of Watertowne y^t^ now are, or hereafter shall be, nor any oth^r^ in their names, by, fro^m^, or und^r^ them, any or eith^r^ of them, in those respects above menc̃oned. In witnes to all y^e^ above-menc̃oned conclusions & determinations, as o^r^ finall award concerning y^e^ differences abovesaid, we have this 11^th^ of y^e^ 9^th^ m̃, 1647, set to o^r^ handes.

EDWARD CARLETON,
JOHN JOHNSON.

Further, y^e^ said Rob^r^t Saltonstall in open Co^r^te did acknowledg y^t^ he did then & there resigne up & relinquish all his right, title, & interest, unto any land to this Co^r^te petitioned for, as due to his fath^r^, as he was a patentee or plant^r^, unto y^e^ towne of Watertowne, ꝑmising & engaging himselfe nev^r^ furth^r^ to molest any of y^e^ inhabitants of Watertowne, for y^e^ medowes menc̃oned in this petition, nor yet for y^t^ 200 acres of upland w^ch^ John Sherman affirmed was given to M^r^ Samu: Saltonstall, in way of satisfaction or composition for land due to his fath^r^ fro^m^ Watertowne, as a patentee or planter, so as he ꝑiudice not his broth^r^ Samuels right as a plant^r^ or townes man there: this acknowledgm^t^ is concluded as part of y^e^ award: Witnes now these ꝑsents, y^t^ I, Rob^r^t Saltonstall, of Boston, in Newe England, gen̄, sonne & agent to S^r^ Rich: Saltonstall, k^t^, do hereby acknowledge to have rec^d^ of John Sherman, of Watertowne, husbandman, by v^r^tue of an award, bearing date w^th^ these ꝑsents, security for y^e^ paym^t^ of 40^ł^ to me, or my assignes, for mann^r^ & time as in y^e^ award may appear & doth require, & is in full satisfaction of all or any clayme or demaunds of or for any right or title y^t^ eith^r^ my fath^r^, S^r^ Rich^r^d Saltonstall, or myselfe in his behalfe, have had, or might have had, to any upland or medowes in y^e^ boundes of Watertowne, by any way or meanes whatsoev^r^, eith^r^ as patentee or planter, except such medowes & upland as are in my broth^r^ Samuels possession, & therefore do by these ꝑsents remise, release, acquit, & discharge y^e^ said towne of Wat^r^towne from all or any claymes or demaunds to any land, either upland or medowe, any way due to S^r^ Rich: Saltonstall, my fath^r^, & accord^g^ to y^e^ pow^r^ to me given in y^t^ respect, ꝑvided I ꝑiudice not my broth^r^ Samuels right to any land as a planter or townesman there. Memorandum: y^e^ exception doth not intend or conclude y^e^ 200 acres of upland mentioned in y^e^ award, in any relation or respect whatev^r^, to S^r^ Rich:, my fath^r^, (or myselfe,)

as patentee or planter there. In witnes whereof, I have hereunto set my hand & seale y^e 11^th 9^th m̃, 47. 1647. 11 November.

ROB^RT SALTONSTALL.

Pr^sent, JOSEPH HILL,
EDW^D RAWSON,
JOHN JOHNSON.

The Co^rte voted, yt y^e award passed between M^r Rob^rt Saltonstall & Jn^o Sherman, in behalfe of y^e towne of Watertowne, shall be recorded among y^e records of y^e Co^rte, w^th this release, & both their acknowledgm^ts of binding themselues each to oth^r in 500^t to abide & ꝑforme y^e award.

*Upon examination of M^rs Katherine Clarks petition, & y^e matt^r thereof, this Co^rte doth conceive y^t if it be ꝓved to y^e Co^rte at Salem y^t so much of y^e inventory as is alleaged doth remaine in specie of her form^r husbands estate, y^e petition^r should have to her owne use 150^t, y^e 4 yonger children 110^t, whereof she to be alowed 40^t towards their education, & y^e rest to be p^d to y^e said 4 children at y^e age of 21 yeares, or day of marriage, y^e eld^r sonn to have 28^t, y^e oth^r three 14^t a peece, y^e eldest sonne by his form^r wife to have 20^t, y^e oth^r 10^t, & she y^t is married 5^t, to be paid w^thin six months next following. [*177.] Ans^r to M^rs Clarks pe^t.

It being one cheife ꝑiect of y^t ould deluder, Satan, to keepe men from the knowledge of y^e Scriptures, as in form^r times by keeping y^m in an unknowne tongue, so in these latt^r times by ꝑswading from y^e use of tongues, y^t so at least y^e true sence & meaning of y^e originall might be clouded by false glosses of saint seeming deceivers, y^t learning may not be buried in y^e grave of o^r fath^rs in y^e church & co̅monwealth, the Lord assisting o^r endeavo^rs, — 682–

It is therefore ord^red, y^t ev^ry towneship in this iurisdiction, aft^r y^e Lord hath increased y^m to y^e number of 50 hould^rs, shall then forthw^th appoint one w^thin their towne to teach all such children as shall resort to him to write & reade, whose wages shall be paid eith^r by y^e parents or mast^rs of such children, or by y^e inhabitants in gen^rall, by way of supply, as y^e maior p̃t of those y^t ord^r y^e prudentials of y^e towne shall appoint; ꝑvided, those y^t send their children be not oppressed by paying much more y^n they can have y^m taught for in oth^r townes; & it is furth^r ordered, y^t where any towne shall increase to y^e numb^r of 100 families or household^rs, they shall set up a gra̅mer schoole, y^e m^r thereof being able to instruct youth so farr as they may be fited for y^e university, ꝑvided, y^t if any towne neglect y^e ꝑformance hereof above one yeare, y^t every such towne shall pay 5^t to y^e next schoole till they shall ꝑforme this order.

1647.

11 November. 683— Marshalls directions.

Forasmuch as y^e^ marshals & oth^r^ officers have complained to this Co^r^te y^t^ they are oftentimes in great doubt how to demeane themselues in y^e^ execution of their offices, it is ord^r^ed, by authority of this Co^r^te, y^t^ in case of fines or asseasm^ts^ to be levyed, & upon executions in civill actions, y^e^ offic^r^ shall demaund y^e^ same of y^e^ p̃ty, or at his house, or place of usuall abode; & upon refusall or non paym^t^ he shall have pow^r^ (calling y^e^ cunstable, if he see cause for assistance) to breake open y^e^ dore of any house or place, or of any chest, or place where he shall have notice y^t^ any goods lyable to such levy or execution shalbe; & if he be to take y^e^ ꝑson, he may do y^e^ like, if he shall refuse, upon demaund, to rend^r^ himselfe; & w^t^ev^r^ charges y^e^ offic^r^ shall necessarily be put unto, upon any like occasion, he shall have pow^r^ to levy y^e^ same, as he doth y^e^ debt, fine, or execution; & where y^e^ offic^r^ shall levy any such goods upon execution as cannot be conveyed to y^e^ place w^r^ y^e^ p̃tye dwels for whom execution shalbe levyed, w^th^out consid^r^able charge, he shall levy y^e^ said charge also w^th^ y^e^ execution; y^e^ like ord^r^ to be observed in levying of fines: ꝓvided, y^t^ it shall not be lawfull for such offic^r^ to levy any mans necessary beding, apparell, tooles, or armes, other implem^ts^ of houschold w^ch^ are for y^e^ necessary upholding of his life; but in such cases he shall levy his land or ꝑson, according to lawe; and in no case shall y^e^ officer be put to seeke out any mans
[*178.] estate *further then his place of abode; but if y^e^ p̃ty will not discov^r^ his goods or lands, y^e^ officer may take his person.

And it is also ord^r^ed & declared, y^t^ if any offic^r^ shall do iniury to any by colo^r^ of his office, in these or any oth^r^ cases, he shalbe lyable, upon complaint of y^e^ party wronged, by action or information, to make full restitution.

684— 47: 14 yeares, age of discretion.

It is ordered by this Co^r^te, & y^e^ authority thereof, y^t^ any one magistrate or com̄issionr, authorished thereunto by y^e^ Gen^r^all Co^r^te, shall take y^e^ testimony of any ꝑson of 14 yeares of age, or ab^v^e, of sound reputation, in any cause, civill or criminall, & shall keepe y^e^ same in his owne hands till y^e^ Co^r^te, or deliv^r^ it to y^e^ record^r^, or publike notary, or clarke of y^e^ writs, to be recorded, y^t^ so nothing may be altered in it; ꝓvided, y^t^ where any such witnes shall have his abode w^th^in 10 miles of y^e^ Co^r^te, & there living, & not disabled by sicknes or oth^r^ infirmity, y^e^ said testimony so taken out of Co^r^te shall not be received, or made use of in y^e^ Co^r^te, except y^e^ witnes be also ꝑsent, to be furth^r^ examined about it; ꝓvided, y^t^ in all capitall cases all witneses shalbe ꝑsent. And it is furth^r^ ord^r^ed, by y^e^ authority aforesaid, y^t^ any ꝑson sum̄oned to appeare as a witnes in any civill Co^r^te between p̃ty & p̃ty shall not be compellable to travell to y^e^ Co^r^te or place where he is to give his testimony, except he who shall so sum̄on him shall lay downe or give him satisfaction for his travell, & his expence outward & homeward; & for such

time as he shall spend in attendance in such case, when he is at such Co^rte or place, y^e Co^rte shall award due recompence; & it is ord^red, y^t 2^s ꝑ day shalbe accounted due satisfaction to any witnes for travell & expences; & when y^e witnes lives w^th in 3 miles, & are not at charge to passe ov^r any oth^r ferry y^n fro^m Charlestowne to Boston, then 18^d shalbe accounted sufficient; & if any witnes, aft^r such paym^t or satisfaction, shall faile to appeare to give his testimony, he shalbe lyable to pay y^e p̃ties damages, upon an action of y^e case; & all witnesses in criminall cases shall have suitable satisfaction, to be paid by y^e Treasurer upon warrant fro^m y^e Co^rte or iudge before whom y^e cause was tryed. 1647. 11 November. Witnesses of testimō.

For a gen^rall law, to be observed in all criminall causes, both where y^e fines are put in certeine, & also where they are oth^rwise, it is ord^red, by y^e authority of this Co^rte, y^t y^e charges of witnesses in all such causes shalbe borne by y^e p̃ticul^r delinquent, & shalbe aded to y^e fines imposed, y^t so y^e Treasurer having (upon warrant fro^m y^e Co^rte or oth^r iudge) satisfied such witnesses, it may be repaid him w^th y^e fine, y^t so y^e witnesses may be timely satisfied, & y^e country not damnified. 685–

It is ord^red, y^t y^e towne of Linn shall repaire their bridg sufficiently by y^e 20^th of y^e 10^th m̃ next, und^r y^e pœnalty of ten pounds, & for ev^ry day aft^r y^e 20^th of y^e 10^th m̃ to pay to y^e country 10^s ꝑ day, & y^e Co^rte aft^r to estreate it to y^e audito^r.

Upon y^e petition of John Dand, it is ord^red, y^t if he shall tend^r such acknowledg^mt, before or at y^e Quart^r Co^rte, as y^e said Co^rte, w^th a comittee of y^e deputies, (viz^,) Capt̃ Keayne, Capt̃ Ting, survey^r gen^rall, M^r Jackson, M^r Browne, M^r Glover, & M^r Hills, or y^e greater p̃t of y^m, shall appve, & give sufficient security to y^e audito^r gen^rall for 50^t, to be paid into y^e Treasurer w^thin 6 months now next coming, he shall y^n be discharged.

The rates of wharfige is comited to M^r Browne, M^r Glov^r, & M^r Coleburne, to examine & returne what they iudge meete to y^e next session of this Co^rte. Wharfage.

Upon y^e petition of Nicho: Davison, for y^e 100^t due to M^rs Glover, it is ord^red y^e 100^t should be paid him, & when it is paid assurance must be taken of M^r Davison of y^e colledge to y^e countryes use, & M^r Pet^rs is to pay 50^t to y^e colledge. College.

*Whereas at y^e Co^rte of Assistants, houlden at Boston y^e 3^d of y^e 7^th m̃, 1640, an action was brought by Willi: Cole, & Elisa:, his wife, ag^t Franc̃ Doughty *Doughty*, deft, for c^rteine goods & chattels, supposed to have bene dd̃ in trust to y^e said pl̃t by y^e said def^dt, Doughty, & one Bridget Doughty, according to an indenture of bargaine & sale between y^e said p̃ties, bearing [*179.]

1647. 11 November. date ^ , w^ch indenture was brought into y^e said Co^rte firme & uncanceled, & being pleaded, & all oth^r evidence ꝓduced both by y^e pł & their advocate, one M^r Thom: Lechford, an ordinary solicito^r in England, & also by y^e said def^dt, upon a full hearing y^e iury found for y^e def^dt, & gave him 10^t costs; & whereas at y^e same Co^rte y^e said Franc̃ Doughty brought an action ag^t y^e said W^m Cole & Elisa:, his wife, for uniust molestation, whereupon he desired to have y^e said indenture đđ into y^e Co^rte & cancelled; in w^ch case y^e iury found for y^e pł Doughty w^th 4^s 6^d costs, & thereupon ye iudgm^t of y^e Co^rte was accordingly y^t y^e said deed indented should be cancelled; notw^thstanding this, for as much as y^e said Elisa:, who was cheifly concerned in y^e said deed indented, & had ꝑsonally sollicited in y^e said cause in ꝓcuring y^e said Doughty to be arested, &c, was not ꝑsent in Co^rte at y^e time of y^e triall, as her said husband was, y^e Co^rte thought fit to respit y^e canceling of y^e said indenture till y^e Co^rte in May then next following, w^ch was 8 months time, to y^e intent y^t shee might in y^t time shew cause to y^e Co^rte, if she had any, why y^e said deed indented should not be canceled, according to y^e iudgm^t of y^e Co^rte; & whereas y^e said W^m & Elisa:, by themselues or any atturny or agent for y^m, not appearing at y^e Co^rte next following y^e said day of limitation, being in y^e 3^d m̃, called May, aforesaid, nor at any time before, to shew cause, as aforesaid, y^e said deed indented, upon their said default, was canceled, according to y^e iudgm^t of y^e Co^rte aforesaid; in all w^ch ꝓceedings it doth not appeare y^t y^e Gov^rn^r & Assistants, y^n iudges in y^e said Co^rte of Assistants, have done any iniustice to y^e petition^r, y^e said Elisa: Cole haveing ꝑsued y^e ordinary co^rse of iustice, according to y^e lawes of England, & y^e law & custome of this iurisdiction; nev^rthelesse, forasmuch as y^e said petition^r complaines to this Co^rte of greate damage she is like to sustaine for want of y^e said deed indented, alleadging y^t shee is able to ꝓve y^t y^e aforesaid Bridget Doughty, one of y^e p̃ties to y^e said indenture, had in her possession, & yet detaines from y^e petition^r, div^rs of those goods intended to be bargained & sould in trust as aforesaid, &c, & forasmuch as it doth not appeare to this Co^rte y^t y^e said petition^r had any timely notice of y^e said ord^r of y^e Co^rte for her appearing, &c, before y^e time limited as aforesaid, to shew cause why y^e said deed should not be cancelled, she then living above 100 miles of & out of this iurisdiction, w^ch shee also upon her oath denied y^t she had any notice thereof, y^e Co^rte, being very tend^r of y^e petition^rs condition, being a widow, & of no greate estate y^t appeares, & especially out of their due care to ease all iust greivances, if any such should be in this case, w^ch yet if it were is not to be imputed to y^e Co^rte of Assistants, but eith^r to her, y^e petition^r, or her husbands negligence, or to an ov^rruling ꝓvidence hind^ring her coming to y^e said Co^rte, where she should have shewed

such reasons as might have ꝑvented y^e canceling of y^e said deed, & for y^t y^e said Franc̃ Doughty is now out of y^e country, & cannot be called thereto, have thought good & do hereby ord^r & decree y^t y^e deed indented aforesaid shalbe, & be reputed hencefourth to be, firme & as uncancelled to all intents & purposes, & of as full force & efficacy, as if it had not bene cancelled, so farr as y^e pow^r & credit of this Co^rte may ꝑvaile, notw^thstanding y^e said iudgm^t of y^e said Co^rte of Assistants, or any record thereof, & y^t a vacat shalbe entered upon so much of y^e said record onely as concernes y^e canceling of y^e said deed indented, & y^t y^s order shalbe exemplified und^r the seale of this colony, if y^e petition^r shall so desire. 1647. 11 November.

Upon M^rs Tyly her petition, the Co^rte doth thinke fit y^t y^e fine of 4^t, mentioned in her petition, stand charged upon her husband, & be forthw^th levied accord^g to lawe.

Also, y^t all oth^r fines of like nature be accordingly levied.

*Whereas God hath com̃itted y^e care & power into y^e hands of parents, for y^e dispos^g of their children in marriage, so y^t its ag^st y^e rule to seeke to draw away y^e affection of yong maydens, und^r ꝑtence of purpose of marriage, before their parents have given way & alowance in y^t respect, & whereas it is a com̃on practice in div^rs places for yong men irregularly & disorderly to watch all advantages, for their evill purposes, to insinuate into y^e affections of yong maydes by coming to y^m, in places & seasons unknown to their parents, for such ends, w^rby much evill hath growen amongst us, to y^e dishono^r of God & damage of y^e p̃ties; for ꝑvention wherof, for time to come, it is ord^red, by authority of this Co^rte, y^t w^t ꝑson soev^r, fro^m henceforth, shall endevo^r, directly or indirectly, to draw away y^e affections of any mayde in y^s iurisdiction, und^r ꝑtence of marriage, before he hath attained lib^rty & alowance fro^m her parents or gov^rn^rs, or, in absence of such, of y^e Co^rte of y^e sheire w^rin y^e mayde doth inhabite, or of & und^r y^e hand of one ma^trate, he shall forfeit for y^e first offence, 5^t; for y^e 2^d offence toward y^e same p̃ty, 10^l, & to be bound to forbeare any furth^r attempt or ꝓceed^g in y^t unlawfull designe w^thout or ag^st y^e alowance aforesaid; & for y^e 3^d offence, (upon information to any ma^trate by such parent or gov^rn^r, being bound to ꝓsecute y^e p̃ty,) he shalbe com̃itted to prison, & upon hearing by y^e next Co^rte, shalbe adiudged to continue in prison untill y^e Co^rte of Assistants shall see cause to release him. [*180.] 686–

The Co^rte thinke fit to graunt M^r Knight a reveiw at y^e next session of y^s Co^rte in y^e first m̃, ꝓvided he put in caution to answ^r y^e charges of y^e Co^rte, as in oth^r cases, & give notice to M^r Rob^rt Saltonstall, M^r Sellick, & M^r Cuts, one month before y^e said session of this Co^rte.

In answer to y^e petition of Haverill, y^e Co^rte, conceiving such vast Hauerill.

1647. 11 November. grants to be greatly ꝑiuditiall to y^e^ publike good, & little, if at all, advantagious to ꝑticuler townеships, apꝑhend^g^ 4 mile square, or such a ꝓportion, will accommodate a sufficient tract of land in such a case, thinke meete a com̄ittee be chosen to veiw y^e^ place, & returne their apꝑhentions to y^e^ next Gen^r^all Co^r^te, to w^ch^ end, w^th^ y^e^ petition^r^s consent, they have nominated M^r^ Dum^r^, M^r^ Carlton, John Osgood, & Ensigne Howlet, or any two of y^m^, ꝓvided Ensigne Howlet be one, to do it.

687– To y^e^ end all records, wills, births, letters, & oth^r^ instrum^ts^ w^ch^ are of special & publike concernm^t^, may be safely ꝑserved & imꝓved for y^e^ good of ꝑsent & succeeding ages, it is ord^r^ed by y^s^ Co^r^te, & y^e^ authority thereof, y^t^ forthw^th^ y^r^ be, by direction of y^e^ audito^r^ gen^r^all, a strong presse made of very firme oake planks, w^th^ rabit ioyntes one into anoth^r^, about 6 foote high, 5 foote long, 3 foote broad, fro^m^ out to out, well bound, w^th^ 3 strong locks, of sev^r^all workes, y^e^ keyes w^r^of to remaine in y^e^ hand of y^e^ Gov^r^n^r^ (one), y^e^ Secretary (one), y^e^ Record^r^ (one), w^ch^ shalbe chosen fro^m^ yeare to yeare; in w^ch^ presse y^r^ shalbe div^rs^ coberds, for sev^r^all uses, w^th^ supscriptions, for y^e^ more ready recourse to any thing conteined y^r^in; w^ch^ presse shalbe kept in some place convenient, at Boston, by direction of y^e^ Gov^r^n^r^ for y^e^ time being, fro^m^ time to time, till y^e^ Gen^r^all Co^r^te take furth^r^ ord^r^: and furth^r^, it is ord^r^ed, by y^e^ authority aforesaid, y^t^ w^r^socv^r^ any Co^r^te of record is or shalbe houlden or kept, y^t^ y^r^ shall some such like ꝓvision be forthw^th^ made by direction of y^e^ iudge or ꝑsident, or eld^r^ iudge of y^e^ said Co^r^te, w^th^ two locks, one key whereof to remaine in y^e^ hands of y^e^ said, or eld^r^ iudge of y^e^ said Co^r^te, y^e^ oth^r^ in y^e^ hand of y^e^ Secretary or Record^r^ there.

688– There being w^th^in this iurisdiction many memb^rs^ of churches, who, to exempt y^m^selues fro^m^ all publike service in y^e^ com̄on wealth, will not come in to be made freemen, it is therefore ordered by this Co^r^te, & y^e^ authority thereof, y^t^ all such memb^rs^ of churches in y^e^ sev^r^all townes w^th^in this iurisdiction shall not be exempted from such publike service as they [*181.] *are chosen to by y^e^ freemen of y^e^ sev^r^all townes, as cunstables, iurers, selectmen, & survey^r^s of high wayes; & if any ꝑson shall refuse to serve such office, he shall pay for ev^r^y such refusall, being legally chosen thereunto, such fin̄e as y^e^ towne shall impose, not exceed^g^ 20^s^, as freemen are liable unto in such cases.

689– 3 men to keepe a record. It is ord^r^ed by y^s^ Co^r^te, & y^e^ authority thereof, y^t^ in all townes w^th^in y^s^ iurisdiction w^r^ y^r^ is no ma^trate^, y^e^ 3 men appointed to end small causes und^r^ 40^s^ shall, from time to time, keepe a true record of all such causes as shall come before y^m^ to be determined; & ev^r^y plantiffe shall pay 18^d^ for ev^r^y c^a^ so tryed, toward y^e^ charge thereof; & y^e^ times of y^e^ meeting to be published, y^t^ all men may take notice thereof y^t^ are concern^d^ y^r^in; ꝓvided, also, y^t^ in all

townes w^r y^r is a ma^trate, he shall keepe y^e like record, & take y^e like fee of 18^d; also, it is ord^red, by authority aforesaid, y^t where p̃ties dwell in sev^rall townes, it shalbe in y^e lib^rty of y^e plantiffe in w^ch towne to try his action; & any Co^rte may reiect any such cause if it hath not bene first brought to y^e said three men, or one ma^trate, according to lawe. 1647. 11 November.

Whereas a lawe hath passed y^s Co^rte for reducing y^e numb^r of deputies to one of each towne, it is now thought convenient, for some reasons app̃hended by both houses, y^t y^e said lawe shalbe suspended, & not be of force before y^e end of y^e first session of y^e next Co^rte of Election, so as if it shall not y^n seeme good to y^e Co^rte to repeale y^e same lawe, it shall y^n be, & remain, in full force, & be published accordingly. Deputies rep.

Where 3 men are chosen to end small causes, y^e cunstable, w^thin one weeke aft^r such choyce, shall returne their names to y^e next ma^trate, who shall sum̃on y^m forthw^th to appeare before him, who shall administ^r y^s oath to y^m: Yo^u, A B, being chosen & appointed to end small causes und^r 40^s, according to y^e lawes of y^s iurisdiction, for this yeare ensuing, sweare by y^e living God, y^t, w^thout favo^r or affection, according to yo^r best light, yo^u shall true iudgm^t give & make in all y^e causes y^t come before yo^u. 690– 3 mens oath.

Associats are also to sweare, when & where y^r are any.

The lawes being to be put in print, it is meete y^t they should be conveniently penned; y^rfore it is desired y^t y^e com̃ittee for drawing up y^e lawes wilbe carefull y^rin, & to y^t purpose they have lib^rty to make some change of forme, to put in apt words, as occasion shall require, p̃vided y^e sence & meaning in any law, or p̃t thereof, be not changed.

The Co^rte having nominated Ensigne Palm^r, of Charlestowne, Leift̃ Mason, of Wat^rtowne, & Thom: Danforth, of Cambridge, to be authorished by com̃ission to set out y^e land of M^r Edw^d Parks in Cambridge, w^ch hee had of Capt̃ Cooke, & make returne thereof to y^e next Co^rte, the commission to be to any two of y^m, so as Thom: Danfort be one.

The Oath of y^e Publike Notary.

Yo^u sweare, &c, y^t in y^e office of a publike notary, to w^ch yo^u have bene chosen, yo^u shall demeane yo^rselfe diligently & faithfully, according to y^e duty of yo^r office; & in all instrum^ts, writings, & acts y^t yo^u are to give testimony unto, w^n yo^u shalbe required, yo^u shall p̃forme y^e same truely & sincerly, accord^g to y^e nature y^rof, w^thout dely or covin, & yo^u shall ent^r & keepe a true regist^r of all such things as belong to yo^r office. So help yo^u God. Notaries oath.

Forasmuch as there are div^rs inhabitants in div^rs townes, who, leaving 691–

1647. 11 November. [*182.] their sev^rall habitations, & y^rby drawing much of y^e incombe of their estates to oth^r townes, & y^rby y^e ministry is much neglected, it is therefore ord^red by this Co^rte, & y^e authority thereof, y^t fro^m henceforth *all lands, cattell, & oth^r estates, of any kind w^tsoev^r, shalbe liable to be rated to all com̄on charges w^tsoev^r, eith^r for y^e church, towne, or com̄on weale, in y^e same place where y^e said estate is.

692– Bounds of tounes. Forasmuch as y^e bounds of townes & of y^e lands of p̄ticul^r p̄sons are carefully to be maintained, & not w^thout greate dang^r be removed by any, w^ch, notw^thstanding, by deficiency & decay of markes, may, at unawarrs, be done, w^rby greate iealousies of p̄sons, troubles in townes, & incumbrances in Co^rts, doth oft arise, w^ch, by due care & meanes, might be p̄vented, it is ord^red by this Co^rte, & y^e authority y^rof, y^t ev^ry towne shall set out their bounds, w^thin a twelue month aft^r their bounds are granted, & y^t w^n their bounds are once set out, once in three yeares, 3 or more p̄sons of a towne, appointed by y^e select men, shall appoint, w^th y^e adiacent townes, to go y^e bounds betwixt their said townes, & renew their markes, w^ch marks shalbe a greate heape of stones, or a trench, of six foote long & two foote broade, y^e most ancient towne to give notice of y^e time & place of meeting for p̄ambulation, w^ch time shalbe in y^e first or second month, upon paine of 5^t for ev^ry towne y^t shall neglect y^e same; p̄vided y^t y^e men appointed for p̄ambulation shall go in their sev^rall quarters, by order of y^e select men & at y^e charge of y^e sev^rall townes, & if any p̃ticul^r p̄portion of lands, lying in com̄on w^th oth^rs, shall refuse to go y^e bounds betwixt his land & oth^r mens, once a yeare, in y^e first or second m̄, being requested y^runto upon 2 or 3 dayes warning, he shall forfeit, for ev^ry dayes so neglecting, 10^s, halfe to y^e p̃ty moving y^rto, y^e oth^r halfe to y^e towne.

Forasmuch as y^e choyce of Assistants, in case of supply, is of greate con-c^rnm^t, & w^th all care & circumspection to be attended, it is therefore ord^red by y^s Co^rte, & y^e authority y^rof, y^t w^n any Assistants are to be supplied, y^e deputies shall give notice to their cunstable or select men to call togeth^r their freemen in their sev^rall townes, to give in their votes, to y^e numb^r of 7 p̄sons, or as y^e Gen^rall Co^rte shall direct, who shall y^n & y^r appoint one to carry y^m, sealed up, to their sheire townes, upon y^e last 4^th day of y^e first m̄, fro^m time to time, w^ch p̄sons, for each towne so assembled, shall appoint one for each sheire, to carry y^m to Boston, y^e 2^d 3^d day of y^e 2^d month, y^r to be opened before 2 ma^trats, & those 7, or oth^r numb^rs agreed upon as aforesaid, y^t have most votes, shalbe y^e men w^ch shalbe nominated for Assistants at y^e Co^rte of Election; & as any hath more votes y^n oth^r, so they shalbe put to vote, & y^e agents for each sheire shall forthw^th certify all their sev^rall townes, w^t y^e p̄sons are y^t are to come to vote; & y^e law 589 henceforth is repealed.

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To y^e^ end measures & weights may be one & y^e^ same throughout y^s^ iurisdiction, it is ord^r^ed, by y^e^ authority of y^s^ Co^r^te, y^t^ w^th^in one month aft^r^ y^e^ publication hereof, y^e^ audito^r^ gen^r^all shall ꝑvide, upon y^e^ countryes charge, such weights & measures, of all sorts, as are hereaft^r^ exꝑssed, (for a continuall standerd, to be sealed w^th^ y^e^ countryes seale,) viz^t^, one bushell, halfe bushell, one peck & halfe peck, one ale quart, one wine pint, one halfe pint, one elle & yard, as also a set of weights of brasse, to 4^ll^, w^ch^ shalbe aft^r^ 16 ounces y^e^ pound, w^th^ meete scales, steele beame to weigh w^th^all: & it is furth^r^ ord^r^ed, by y^e^ authority aforesaid, y^t^ y^e^ cunstable of ev^r^y towne w^th^in y^s^ iurisdiction shall, w^th^in 3 months aft^r^ y^e^ publication hereof, ꝑvide, upon y^e^ townes charge, at y^e^ least of leade, or such like, all such weights & measures as are above exꝑssed, tryed, & measured, by y^e^ countryes standert, & sealed by y^e^ audito^r^ gen^r^all, (to be kept & used onely for standerds for their sev^r^all townes,) who is hereby authorished to do y^e^ same, who shall receive, fro^m^ y^e^ cunstable of each towne, 2^d^ for ev^r^y weight & measure so ꝑved & sealed, & y^e^ said cunstable of ev^r^y towne shall co̅mit these weightes & measures to y^e^ custody of y^e^ select men of their towne for y^e^ time being, who are hereby enioyned, w^th^ y^e^ cunstable, to choose, out of their numb^r^, one able man to be y^e^ seale^r^ for towne fro^m^ time to time, & till anoth^r^ be chosen, whom they shall ꝑsent at next County Co^r^te, y^r^ to be sworne to y^e^ discharge of his duty, who shall *have [*183.]
pow^r^ to send forth his warrant, by y^e^ cunstable, to y^e^ inhabitants of the towne, to bring in all such measures & weights, (as they make use of,) in y^e^ 2^d^ m̃, from yeare to yeare, at such time & place as he shall appoint, & make returne to y^e^ sealer in writing of y^e^ ꝑsons so sum̃oned, y^t^ y^n^ & y^r^ all such weights & measures may be ꝑved & sealed w^th^ y^e^ townes seale, as in y^e^ ord^r^ for towne matt^r^s, ꝑvided by y^e^ cunstable, at each townes charge, who shall have, for ev^r^y weight & measure so sealed, 1^d^ from y^e^ own^r^ y^r^of at y^e^ first sealing; & all such measures as cannot be brought to y^e^ iust stand^r^t, he shall deface, & aft^r^ y^e^ first sealing to have noth^g^, so long as they continue iust; & y^t^ none may neglect their duty herein, it is y^r^fore ord^r^ed, by y^e^ authority aforesaid, y^t^ if any cunstable, select men, or sealer shall neglect to execute y^s^ ord^r^, they shall forfeit, to y^e^ co̅mon treasury, 40^s^ for ev^r^y months neglect; & also ev^r^y ꝑson neglecting to bring in y^r^ weights, at y^e^ time & place appointed, they shall pay 3^s^ 4^d^, one halfe to y^e^ seal^r^, who shall have pow^r^ to levy y^e^ whole by distres, & pay y^e^ oth^r^ p̃t into y^e^ co̅mon tresury.

694– Whereas div^r^s married ꝑsons, both men & weomen, living w^th^in y^s^ iurisdiction, whose wifes & husbands are in England or elsw^r^, by meanes w^r^of they live und^r^ great temptations, & some of y^m^ co̅mit lewdnes & filthines here

1647. 11 November. amongst us, & oth^rs make love to weomen, & attempt marriage, & have attained it, some of y^m live und^r suspition of uncleannes, & all of y^m great dishono^r to God, reproach to religion, com̄on wealth, & churches, it is y^rfore ord^red, by y^s Co^rte, & y^e authority y^rof, (for p̄vention of all such future evills,) y^t all such married p̄sons as aforesaid shall repair to their relations, by y^e first oportunity of shiping, upon y^e paine or pœnalty of 20^t, except they can shew iust cause to y^e contrary to y^e next County Co^rte, or Co^rte of Assistants, to be holden at Boston, aft^r they are sum̄oned by y^e cunstable y^r to appeare, who are hereby required so to do, upon paine of 20^s for his neglect; p̄vided, y^t y^s ord^r do not extend to such as are come ov^r to make way for their families, & are here in a transient way onely, for trafique or marchandize, for some small time.

Whereas no p̄vision hath hith^rto bene made ag^st burglary, & oth^r violent assaults ag^st mens p̄sons & goods, y^e want w^rof may expose many, especially travell^rs & inland inhabitants, both by day & night, to y^e rage & cruelty of men of Beliall, wheth^r Indians or oth^r, it is y^rfore ord^red by y^s Co^rte, & y^e authority y^rof, y^t if any p̄son, in y^e iust & necessary defence of his life or goods, or y^e life of any other, shall kill any p̄son attempting to rob or murth^r in y^e feild or high way, or to breake into any dwell^g house, if he conceive he cannot, w^th safety to his owne p̄son, oth^rwise take y^e felon or assaylant, or bring him to triall, he shalbe holden blameles. Exod. 22: 2.

Law bookes. It is agreed by y^s Co^rte, to y^e end we may have y^e bett^r light for making & p̄ceeding about laws, y^t y^r shalbe these books following p̄cured for y^e use of y^e Co^rte fro^m time to time:—

Two of S^r Edw^d Cooke upon Littleton; two of y^e Books of Entryes; two of S^r Edw^d Cooke upon Magna Charta; two of y^e Newe Tearmes of y^e Lawe; two Daltons Iustice of Peace; two of S^r Edw^d Cooks Reports.

695– Nashaway. Whereas y^s Co^rte hath form^rly granted a plantation at Nashaway unto Jn^o Chanl^r, Isa: Walk^r, Jn^o Davies, Jn^o Hill, & Math: Barnes, & y^t Jn^o Hill is dead, Jn^o Chanl^r, Isaac Walk^r, & Jn^o Davies have signified unto y^e Co^rte y^t since y^e said graunt they have acted nothing as und^rtak^rs y^r, nor layd out any lands, & furth^r, have made request to y^s Co^rte to take in y^e said graunt, manifesting their utt^r unwil^gnes to be engaged y^rin, y^e Co^rte doth not thinke fit to destroy y^e said plantation, but rath^r to incurage it; onely, in regard y^e p̄sons now upon it are so few & unmeete for such a worke, care to be taken to p̄cure oth^rs, & in y^e meane time to remaine in y^e Co^rts pow^r to dispose of y^e planting & ord^ring of it.

696– For a more equall & ready way of raising monyes for defray^g publike charges in time to come, & for p̄venting such inconveniences as have fallen

out upon form^r^ asseasm^ts^, it is ord^r^ed & enacted, by y^e^ authority of y^s^ Co^r^te, y^t^ y^e^ Treasurer for y^e^ time being shall, fro^m^ yeare to yeare, in y^e^ 5^th^ m̊, (w^th^out expecting any oth^r^ ord^r^,) send forth his warrant to y^e^ cunstable & select men of ev^r^y towne w^th^in y^s^ iurisdiction, requiring y^e^ cunstable to call togeth^r^ y^e^ inhabitants of y^e^ towne, who, being so assembled, *shall choose some one of their freemen to be a com̄ission^r^ for their towne, who, togeth^r^ w^th^ y^e^ select men for y^e^ prudentiall affaires, shall, some time or times in y^e^ 6^th^ m̊ next ensuing, make a list of all y^e^ males in y^e^ same towne, fro^m^ 16 year old & upwards, & a true estimate of all p̄sonall & reall estate in y^e^ same towne, according to iust valuation, & to w^t^ p̄sons y^e^ same do belong, (wheth^r^ in their owne towne, or oth^r^where,) so neere as they can by all lawfull wayes & meanes w^ch^ they may use, viz^ſ^: of houses, lands, except such as doth or shall lye com̄on, for y^e^ feede of cattell, to y^e^ use of y^e^ inhabitants in gen^r^all, wheth^r^ belonging to townes or p̄ticul^r^ p̄sons, but not to be kept or hearded upon it, to y^e^ damage of y^e^ p̄prietors, mils, ships, & all smaller vessels, marchantable goods, cranes, wharfes, & all sortes of cattell, & all oth^r^ visible estate, eith^r^ at sea or on shore, all w^ch^ p̄sons & estates are by y^e^ said commission^r^ & select-men to be asseased & rated as here followeth, viz^ſ^: ev^r^y p̄son aforesaid, except ma^trates^, 2. 6^d^ by y^e^ head, & all estates, both reall & p̄sonall, at 1^d^ for ev^r^y 20^s^, accord^g^ to y^e^ rates of cattell hereaft^r^mentioned; & for a more c^r^teine rule in rating of cattell, ev^r^y cowe of four year ould & upward shalbe rated at 5^t^; ev^r^y heif^r^ & steer between 3 & 4 year ould, 4^t^; & between 2 & 3 year ould, 50^s^; & between one & 2 year ould, 30^s^; ev^r^y oxe of 4 year ould & upward, 6^t^; ev^r^y horse & mare 4 year ould & upward, 7^t^; of 3 ye^r^ ould, 5^t^; between 2 & 3 y^r^ ould, 3^t^; of one y^r^ old, 40^s^; ev^r^y sheepe above one y^r^ ould, 30^s^; ev^r^y goate above one year ould, 8^s^; ev^r^y swine above one year old, 20^s^; ev^r^y asse above a year ould, 40^s^; & all cattell of all sortes und^r^ a year ould are hereby exempted; & for all such p̄sons as, by advantage of their artes & trades, &c., are more inabled to help beare y^e^ publike charge, y^e^ com̄on labo^r^ers & workmen, as butch^rs^, bakers, brew^rs^, smiths, carpent^rs^, taylo^rs^, shewmak^rs^, ioyn^rs^, barb^rs^, millers, masons, w^th^ all oth^r^ manuall p̄sons, & artists, &c., such are to be rated for their returnes & gaines, p̄portionable to oth^r^ men for estates; p̄vided, y^t^ in y^e^ rate by y^e^ pole, such p̄sons as are disabled by sickness, lamenes, or oth^r^ infirmity, shalbe exempted; & for such servants & chil-d^r^n as take no wages, their parents & mast^rs^ are to pay for y^m^; but such as take wages are to pay for y^m^selues.

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And it is furth^r^ ord^r^ed, y^t^ y^e^ com̄ission^r^s of y^e^ sev^r^all townes in ev^r^y sheir shall yearly, upon y^e^ 4^th^ day of y^e^ 7^th^ m̊, assemble at y^e^ sheir towne, & bring w^th^ y^m^, fairely written, y^e^ numb^r^ of males listed as aforesaid, & y^e^ asseasm^t^ of

1647. 11 November. estates made in y^ir sev^rall townes, according to y^e rules & directions in y^s p̄sent ord^r expressed; & y^e said com̄ission^rs, being so assembled, shall duely & carefully examine all y^e said lists & asseasm^ts of y^e sev^rall townes in y^t sheir, & shall correct & p̲fect y^e same, accord^g to y^e true intent of y^s ord^r, as they, or y^e maior p̄t of y^m, shall determine; & y^e same, so p̲fected, they shall spedily transmit to y^e Treasurer, und^r y^ir hands, or y^e hands of y^e maior p̄t of y^m; & y^rupon y^e Treasurer shall give warrant to y^e cunstables to collect & levy y^e same, so as y^e whole asseasm^t (both for p̲sons & estates) may be paid into y^e Treasurer before y^e 20^th day of y^e 9^th m̄, yearely; & ev^ry one shall pay their rate to y^e cunstable in y^e same towne w^r it shalbe asseased; (nor shall any land or estate be rated in any oth^r towne y^n w^r y^e same shall lye, if it be w^thin y^s iurisdiction;) & if y^e Treasurer cannot dispose of it y^r, y^e cunstable is to send it to such place in Boston as y^e Treasurer shall appoint, at y^e charge of y^e country, to be alowed y^e cunstable upon his account w^th y^e Treasurer; and for all peculi^rs, viz^t, such places as are not yet layd w^thin y^e bounds of any towne, y^e same lands, w^th y^e p̲sons & estates y^rupon, shalbe asseased by y^e rat^rs of y^e t^wne next unto it, y^e measure & estimation to be by y^e distance of y^e meeting houses. If any of y^e said com̄ission^rs or of y^e select men shall witingly faile or neglect to p̲forme y^e trust com̄ited to y^m by y^s ord^r, in not mak^g, correct^g, p̲fect^g, or transmiting any of y^e said lists or asseasm^ts, accord-

[*185.] ing to y^e intent of y^s ord^r, ev^ry such offender *shalbe fined 40^s for ev^ry such offence, or so much as y^e country shalbe damnified y^rby, so as it exceed not 40^s; p̲vided, y^t such offence be complained [of] & p̲secuted, in due course of law, w^thin 6 months. And it is furth^r ord^red, y^t upon all distresses to be taken for any of y^e rates or asseasm^ts aforesaid, y^e offic^r shall distraine goods or cattell, if they may be had, & if no goods, y^n lands or houses; if neith^r goods nor lands can be had w^thin y^e towne w^r such distres is to be taken, y^n, upon such returne to y^e Treasurer, he shall give warrant to attach y^e body of such p̲son, to be carried to prison, y^r to be kept till y^e next Co^rte of y^t sheire, except paym^t be made in y^e meane time.

And it is furth^r ord^red, y^t y^e prizes of all sortes of corne to be rec^d upon any rate by vertue of y^t ord^r, shalbe such as y^e Co^rte shall set fro^m year to year, & in default hereof they shalbe accepted at y^e price currant to be iudged by y^e com̄ission^rs of Suffolk & Middlesex. The asseasm^t w^ch should have bene made upon estates y^e 6^th m̄ last, having bene omitted, shalbe forthw^th called for by the Treasurer to be asseased, & gath^red, according to y^s p̄sent ord^r, (save onely for y^e time,) w^th all possible expedition for discharging y^e p̄ss^r ingagm^ts of y^e country. The form^r ord^r for asseasm^ts made y^e (9) 46 is

hereby repealed, saving y^t^ clause for exemption of ma^trates^ for 500, &c, w^ch^ is ord^r^ed to continue for 3 years next following aft^r^ y^e^ next Co^r^te of Elections. 1647. 11 November.

The prizes of corne, for y^e^ rate to be now gath^r^ed, are ord^r^ed by y^s^ Co^r^te to be, wheate, $4\frac{1}{2}^s$; barly, 4^s; rye & pease, $3\frac{1}{2}^s$; Indian, 3^s p bushell.

It is ord^r^ed, y^t^ in ev^r^y action w^r^ y^e^ debt or damage recov^r^ed shall amount to 10^l, y^r^ to pay 5^s more y^n^ y^e^ 10^s paid at y^e^ entry, & w^r^ it shall amount to 20^l or upward, to pay 10^s more, y^e^ said additions to be put to y^e^ iudgm^t^, or execution, & y^e^ marshall to account for y^m^ to y^e^ Treasurer. 697– Entry of acons 10 : 20s.

Whereas y^r^ is pvision made y^t^ none but psons licensed shall draw or sell wine lesse y^n^ a q^r^t^r^ caske, &c, & y^t^ y^e^ audito^r^ oftentimes takes wine for impost, & y^t^ oth^r^wise wines may fall & come into his hands, it is ord^r^ed by y^s^ Co^r^te, & authority y^r^of, for bett^r^ incouragm^t^ of y^e^ said audito^r^, y^t^ henceforth it shalbe lawfull for him to draw & sell wines to deacons & oth^rs^ by y^e^ runlet, or gallon, or oth^r^wise, for filing cases & bottles, (& no oth^r^wise,) any law, custome, or usage to y^e^ contrary notw^th^standing, for w^ch^ he shall pay 50^s p butt. 698–

It is ord^r^ed, y^t^ y^e^ vintn^r^s, &c, shall pay for ev^r^y butt or pipe of sack 50sh^s^, & y^e^ retail^r^ to give notice to y^e^ audito^r^ or his deputy of ev^r^y vessell he buies w^th^in 3 dayes, upon paine of forfeiting y^e^ same. 699–

It is conceived meete, y^t^ y^e^ towne of Newberry should psent anoth^r^ cheife millitary offic^r^ in y^e^ roome of Leift Greenleafe, w^m^ they discharge accord^g^ to his request.

W^m^ Blanton is granted to keepe a cooks shop toward Roxb^r^y, & to sell beare, w^ch^ is left to y^e^ Q^r^t^r^ Co^r^te. Blantons ljcenc.

The case of y^e^ will of George Abbot, late of Rowly, refered to y^s^ Co^r^te, &c, is refered to y^e^ next Co^r^t at Salem, who have full pow^r^ fro^m^ y^s^ Co^r^te to heare & determine y^e^ same, w^th^ all questions incident y^r^to, both about y^e^ childrens portions & y^e^ time of paying y^m^, & all oth^r^ things occuring; & y^e^ ord^r^ of y^t^ Co^r^te to conclude all parties, except y^s^ Co^r^te shall see cause hereaft^r^ to alter y^e^ same.

The Co^r^te doth conceive y^t^ it was y^e^ intent of y^e^ ord^r^ in y^e^ 3^d^ m̊ last, y^t^ y^e^ marshall should have 12^d in y^e^ pound alowed him out of all fines gath^r^ed or to be gath^r^ed up, paid or to be paid into y^e^ treasury since y^t^ ord^r^; & they conceive he should take his oath before he hath any benefit hereof. 7^{th} 9^{th} m̊ ne tooke his oath. 700–

Thom: Marvill his case consid^r^ed about seling a gunn ignorantly to y^e^ Indians; & being credibly informed y^t^ himselfe discov^r^ed his offence to a ma^trate^, & bought anoth^r^ peece fro^m^ y^e^ same Indians, &c, his fine is remitted.

In answ^r^ to y^e^ petition of y^e^ search^rs^ of leath^r^, conc^r^ning y^e^ explication of y^e^ sev^r^all branches in y^e^ ord^r^ concerning y^e^ search^rs^ of leath^r^, y^e^ Co^r^te doth

1647. conceive as followeth: y^t w^ras in y^e 4^th branch of y^e said ord^r it seemes not to hold forth y^t y^e leath^r should be forfeited, except y^e same be off^red to sale, yet in y^e 7^th branch of y^e said ord^r we conceive it is exprest, y^t whosoev^r shall off^r unsufficient *leath^r unto y^e sealing shall forfeite so much of y^e same leath^r as by y^e said search^rs shalbe found insufficient; conc^rning y^e 8^th branch of y^e said ord^r, we conceive y^r is no authority in it; & conc^rning y^e 9^th branch, we conceive it meete y^t y^e search^rs forfeiture, for any ov^rsight of his, should not exceed. y^t w^ch lyes upon y^e tanner; lastly, we conceive its iust y^e search^rs should be alowed some thing ꝑportionable to their paines, as a penny a hide for lesse y^n five, w^n they are called to seale small ꝑcels, & for all oth^r ꝑcels aft^r y^e rate of 6^d a decker.

11 November.

[*186.]

In answer to y^e petition of M^r Ting, conc^rning y^e two guns, upon w^t appeareth, it is conceived y^e two guns in question are y^e ꝑp goods of M^r Fenwick.

To be aded to y^e ord^r for gen^rall trainings: It is furth^r ord^red, by y^e authority of y^s Co^rte, for ease of all souldiers, w^n & w^r y^e regim^ts are ex^rcised, y^t so many dayes as they shall necessarily expend by y^e iniunction of y^e serieant maior, both in marching to & fro^m ex^rcise at gen^rall traini^gs, shall be deducted out of y^ir 8 dayes annuall train^gs.

Willi: Fiske is dismissed furth^r attendance; Serieant English is dismissed attendance.

In consid^ration of y^e great charge y^t y^e towne of Wat^rtowne is at by keep^g Thom: Philpot, a distracted man, in prison, it is ord^red by y^s Co^rte, y^t y^e said towne shall have pow^r to make sale of y^e said Thomas his house, ground, or oth^r things, w^tsoev^r things they find of his, toward their charges in keeping of him.

Upon y^e petition of Walt^r Merry, it is left to his liberty to appear at y^e next Co^rt of Assistants, y^r to answer for Capt̃ Smith, & und^rgo y^e iudgm^t of y^e Co^rte in the case, or to pay w^t they have forfeited.

Christopher Lawson, upon his petition, is granted a hearing of his case for Thom: Beard, at y^e next Co^rte of Assistants at Boston.

Upon y^e petition of Rob^rt Wing, he being above 80 years of age, & 4 smal children, & noth^g to live upon, y^e Co^rte is wiling y^t y^e fine shalbe respited, untill y^s Co^rt shall give furth^r direction about it.

701– The Co^rte doth graunt y^e towne of Wat^rtowne to y^e first of y^e 4^th m̃ next, upon y^e pœnaltyes ꝑfixed in y^e form^r ord^r; also, they have chosen M^r Hibbens, M^r Jn^o Glov^r, y^e survey^r gen^rall, & Edm^o Rice, before y^e first of y^e first m̃ next, to veiw & appoint a place to put up y^e bridge, for y^e best benefit of y^e country & towne w^thin y^e bounds thereof.

Dep^te. Whereas a question hath fallen in y^s Co^rte wheth^r would most conduce to

y^e^ weale publike, in y^e^ managing of y^e^ affaires y^r^of in y^e^ Gen^r^all Co^r^te, eith^r^ by 2 deputies to be sent fro^m^ ev^r^y towne now in being, or by one onely, & y^r^upon div^rs^ reports have bene given, some affirming y^t^ it is y^e^ gen^r^all mind of y^e^ country to continue 2 of each towne now in being, oth^rs^ y^e^ contrary, y^t^ most desire it might be reduced to one, y^s^ Co^r^te being desiros to know y^e^ mind of y^e^ country herein, y^t^ y^s^ question may be bett^r^ decided, do ord^r^, y^t^ a coppy of y^s^ ord^r^ shalbe sent to y^e^ cunstable of ev^r^y towne, who shall call all y^e^ freemen togeth^r^ & acquint y^m^ herew^th^, y^t^ so they may declare their minds herein, to be brought to y^e^ next session of y^s^ Co^r^te by y^e^ deputies, in y^e^ first m̃, accordingly. 1647. 11 November.

To y^e^ end y^r^ may be convenient habitation for y^e^ use of y^e^ minist^r^y in ev^r^y towne in y^s^ iurisdiction, to remaine to posterity, it is hereby decreed, by y^e^ authority of y^s^ Co^r^te, w^r^ y^e^ maior p̃t of y^e^ inhabitants, according to y^e^ ord^r^ of regulating valid towne acts, Numb: ^ , shall grant or purchase any habitation, it shalbe good in law, & y^e^ p̃ticuler sum̃e upon each p̱son asseased by iust rate shalbe due, to be paid accordingly, as in oth^r^ cases of towne rates; p̱vided alwayes, y^t^ such graunt be ent^r^ed in y^e^ towne booke, & y^e^ deed of purchase & y^e^ deed of gift y^r^upon to y^e^ use of a p̃sent p̃ach^g^ eld^r^, & his next successo^r^, & so fro^m^ time to time to his successo^r^s, & be acknowledged before a ma^trate^, & recorded. 702–

Whereas sundry gentlemen of quality & oth^rs^ oft times send ov^r^ their children into y^s^ country, unto some freinds here, hoping at y^e^ least y^r^by to p̃vent y^ir^ extravagant & ryotous courses, who, notw^th^standing, by meanes of some unadvised *& ill affected p̱sons, w^ch^ give y^m^ credit, in expectation their freinds, eith^r^ in favo^r^ to y^m^ or p̃vention of blemish to y^m^selues, will discharge w^t^ev^r^ is done y^t^ way, they are no lesse lavish & p̱fuse here, to y^e^ great greife of y^ir^ freinds, dishono^r^ of God, & rep̱ach of y^e^ country, it is y^r^fore ord^r^ed by y^s^ Co^r^te, & y^e^ authority y^r^of, y^t^ if any p̱son, aft^r^ publication hereof, shall any way give credit to any such youth, or oth^r^ p̱son und^r^ 21 yeares of age, w^th^out ord^r^ fro^m^ such their freinds here, in England, or elswhere, und^r^ their hands in writing, they shall loose their debt, w^t^ev^r^ it be; & furth^r^, if such youth incur any pœnalty, & have not w^r^w^th^ to pay such p̱son or p̱sons as are occasions y^r^of, shall pay it as delinquents in y^e^ like case shall do. 703– [*187.]

M^r^ Joseph Cooke, upon his petition, is freed fro^m^ ex^r^cising y^e^ company at Cambridge, & fro^m^ being compelable by fine to attend upon ev^r^y training hereaft^r^.

The lawes now being in a mann^r^ agreed upon, & y^e^ Co^r^te drawing to an end, it is time to take ord^r^: 1. How all alt^r^ations of form^r^ lawes may be, w^th^out mistaking, compared & fair written; 2. Y^t^ all ould lawes not altered be also Laws.

1647. written in ye same coppy; 3. Yt yr be a comittee chosen for ys busines, to be made ready agst ye first m̃ next, so as ye Corte of Assistants, if they see cause, may advise for a Genrall Corte, to p̃pare ym for ye presse.

11 November.

4. Yt yr be larg margents left at both sides of ye leafe, & ye heads of each law written on ye two outsides yrof, & upon ye othr margent any references, scriptures, or ye like; 5. Yt these be written coppy wise. The Govrnr, Mr Bellingham, Mr Hill, Mr Auditor, & Mr Ting are ioyned in ys committee, to act according as in ys pap is expressed.

The Corte is not a little greived yt they cannot, as they would, make such returnes as might comfortably supply or occasions in England, & p̃ve a comfortable incouragmt to or honored & industrious agent, to go through wth wt we have betrusted him, & insteed of a better way, desire ye near townes, as Boston, Charlstowne, Roxberry, Dorchestr, Watrtowne, Dedham, & Cambridge, may be inforced to bring in their p̃portions of ys next rate into ye Treasurer, wthin 20 dayes, & so ye Treasurer, by way of Barbadoes, wth Mr Allen, or some othr, may endeavor a returne to or agent of a 100l, & yt some such as we know are able may be spoken wth & writ unto, to give or agent credit for wt he shall neede in ye meane time, till ye returne comes to his hand, wch we assure shall not be long.

It is ordred, yt ye servants of Hugh Gullison & Willi: Philips shall have 20s alowed ym for each house, out of ye treasury.

The Corte is adiourned to ye second third day of ye first m̃ next.

In answere to ye petition of Gawen Paintr & James Lake, concerning ye ship Gilbert, it appeareth to us, by ye ordr of ye Genrall Corte in ye 3d m̃, 45, & by such evidence as Mr Robrt Saltonstall hath p̃duced, yt he, ye said Robrt, hath paid & engaged himselfe to pay Mr Carpentr & ye rest of ye ships company, for their wages, ye sum̃e of 263. 5s, wch may be certified to ye petitionrs by ye Secretary or Notary; & wt more to do (as ye case stands) we know not.

703– Rep. The Corte thinke meete ye clause for exemption of matrates be considred, whethr convenient to keepe yt law in force, or any p̃t of it, being p̃vided for thus: aftr ye word repealed, ye exemption of matrates for 500l estat is ordred to continue for 3 yres.

The Corte, being desiros ye presg ingagmts of ye country should be spedily discharged, yt no let may remaine in ye way to ye hindrance yrof for ys p̃sent rate, desire yt ye selectmen & comissionrs in each towne may be & are hereby required & authorished to make ye p̃sent rate, charging ye cunstables wth ye
[*188.] *levying yrof by ye 20th of ye 10th m̃ next, according to & undr ye penalty of ye ordr; for they conceive ye yeare too farr spent to afford a meeting of ye commissionrs in ye sheire towne.

1647. 11 November.

Whereas ye laws & ordrs of ys iurisdiction do authorish appeales in sevrall cases, wth sevrall cautions, as in ye said lawes are exp̄ssed, yet ofttimes is too sleightly attempted & imp̄ved, it is ordred by ys Corte, & ye authority yrof, yt whosoevr shall henceforth appeale from ye sentence of any Corte, or othr powr by law established to heare & determine in causes comitted to ym, shall record their appeale, wth a breife recitall of ye reason yrof, ye same day of ye sentence, & shall also, ye same Corte, give sufficient security before ye iudge of ye Corte, or othr p̄sons authorished, to admit appeales such as may fully secure ye p̄son concrned in ye cause, & defray all charges yt may arise in ye p̄secution yrof to effect, as ye Corte or othr p̄sons aforesaid shall appoint; wch security shalbe recorded wth ye appeale, at ye charge of ye p̄ty appealing, & certified unto ye Corte to wch it is made; & if any appeale be granted wthout such security as aforesaid, ye grantrs yrof shalbe lyable to all wch ye p̄ty appealg in yt case should have done. 704— Appeals.

Upon ye petition of ye towne of Dovr, ye Corte doth graunt comission to Mr Bellingham, Mr Saltonstall, & 2 or 3 more of ye neerest, &c, togethr wth Capt̃ Wiggen, Mr George Smith, & Mr Ambros Gibbens, to keepe Corte at Pascataq wn they or any 2 of ye said matrats see fit; & yt any 3 of ym may keepe Corte, so as one be a matrate, wch shalbe p̄sident. Piscataq.

And furthr, ye inhabitants of Dovr are granted exemption from servig at ye Genrall Corte, except it be at ye Corte of Election, & so long as yt session shall continue; & their fine for not appearing is remitted.

For ye p̄venting & according of long, tedious, & confused pleadings in civill actions, & ye many complaints of defendants, alleadging yt they undrstand not wt to answere to, nor wt witnes to sum̄on, till they appeare in Corte, as also for ye bettr p̄serving ye records of all actions tryed in all Cortes of iustice wthin ys iurisdiction; & lastly, yt all actions of reveiw may be ye bettr discerned & iudged, this Corte doth hereby ordr, yt all plantiffs or their atturnyes in civill actions shall henceforth draw up a declaration, in a faire & legible hand, & shall delivr it to ye recordr or clarke of ye Corte wr ye cause is to be tryed 3 dayes at least before ye same Corte, wrby ye defendt may have time also to put in his answere in writing, as above, & to sum̄on his witnesses according to ye nature of ye declaration; & all actions shall be entered before ye end of ye first day of ye Corte. 705— Bills & answrs in civill actions.

For ye more easy & speedy transporting of great artilery, wn & wr, also, sometimes cattell, carriages, cañon, & feild peeces cannot passe, as also upon some suddaine designe to mount for advantage in an enemies workes, this Corte doth ordr, yt yr be, by direction of ye maior genrall, 3 or 4 leathr gunns, of sevrall sizes, sent for to England by ye first oportunity, at ye charge of ye 706— Leather guns.

1647. country, w^ch^, if found good & ꝑfitable, may give light & incouragm^t^ for y^e^ ꝑcuring or making of more.

11 November. 707– For y^e^ ꝑventing of many inconveniences y^t^ oth^r^wise may arise upon y^e^ yearly day of election, & y^t^ y^e^ worke of y^t^ day may be more ord^r^ly, easily, & speedily issued, it is ord^r^ed by y^e^ authority of y^s^ Co^r^te, y^t^ y^e^ freemen of y^e^ sev^r^all townes & villages w^th^in y^s^ iurisdiction shall, y^s^ next yeare, & so from yeare to yeare, forev^r^, make all their elections by beanes & papers, as hereaft^r^ is exꝑssed, to be taken, sealed up, & sent to y^e^ Co^r^te of Election, as y^e^ ord^r^ appoints; the Gov^r^n^r^, Deputy Gov^r^n^r^, Maior Gen^r^all, Treasurer, Secretary, & Comissio^nrs^ for y^e^ United Colonies to be chosen by writing, open, or once foulded, not twisted or rouled up, y^t^ so they may be y^e^ sooner & surer ꝑused; & all y^e^ Assistants to be chosen by beanes, onely the white to be for election; ꝑvided, y^t^ such as are made free upon y^e^ day of election, & onely they, [*189.] shall deliv^r^ in their votes at y^e^ dores; & for *such small villages, &c, y^t^ sends no deputy to y^e^ Co^r^te, y^e^ cunstable of the said place, togeth^r^ w^th^ 2 or 3 of y^e^ cheife freemen, shall receive y^e^ votes of the rest of their freemen, & deliv^r^ them, togeth^r^ w^th^ their owne, sealed up, to y^e^ deputy or deputies of y^e^ next towne, who shall carefully convey y^e^ same to y^e^ said Co^r^te of Election.

708– Whereas impounding of cattell, in case of trespas, hath bene alwayes found both needfull & ꝑfitable, and all breaches about y^e^ same very offensive & iniurious, it is y^r^fore ord^r^ed by y^s^ Co^r^te, & y^e^ authority y^r^of, y^t^ if any ꝑson shall resist or rescue any cattell going to y^e^ pound, or shall, by any way or meanes, convey y^m^ out of y^e^ pound or oth^r^ custody of y^e^ law in case of trespasses, w^r^by y^e^ p̃ty wronged may loose his damages, & y^e^ law be deluded, in eith^r^ case y^e^ p̃ty so offending shall forfeit to y^e^ treasury, for a simple rescue, two pound starling; & shall pay double damages to y^e^ party wronged; & if it be done by any not of ability to answere y^e^ forfeiture & damages as aforesaid, they shalbe openly whiped, by warrant fro^m^ any ma^trate^ before whom y^e^ offend^r^ is convicted, in y^e^ towne w^r^ y^e^ offence was co̅mitted, not exceeding 10 stripes for y^e^ meere rescues or pound breach; & for all damages to y^e^ p̃ty, they shall satisfy by service, as in case of theft; & if it appeare y^r^ were any ꝑcurem^t^ of y^e^ own^r^ of y^e^ cattell y^r^unto, & y^t^ they were abettors y^r^in, they shall pay forfeiture & damages as if y^m^selues had done it; but if, w^th^all, any violence be offered to y^e^ ꝑson of him y^t^ hath y^e^ distres, y^n^ y^e^ fine to be five pound, & y^e^ p̃ty wronged to be left to his remedy by action for any bodily harme sustained fro^m^ y^e^ rescuer.

Trespass ab^t^ catle.

709– It is ord^r^ed by y^s^ Co^r^te, & y^e^ authority y^r^of, y^t^ ev^r^y towneship w^th^in y^s^ iurisdiction shall henceforth have pow^r^, & are hereby required, fro^m^ time to time to make ord^rs^ for ꝑventing all harmes by swine in corne, medow, pastures,

& gardens, as also to impose pœnalties according to their best discretion, & to appoint one of their inhabitants, by warrant und^{r} y^{e} hands of y^{e} select men, or cunstable w^{r} no select men are, to levy all such fines & pœnalties by y^{m} (if y^{e} towne neglect it) in y^{t} case imposed; & w^{r} townes bord^{r} each upon oth^{r} whose ord^{rs} may be various, satisfaction shalbe made according to y^{e} ord^{rs} of y^{t} towne w^{r} y^{e} damage is done; but if y^{e} swine be sufficiently ringed & yoaked, as y^{e} ord^{r}s of y^{e} towne to w^{ch} they belong doth require, y^{n} w^{r} no fence is, or y^{t} it be insufficient, through w^{ch} y^{e} swine come to trespas, y^{e} owner of y^{e} land or fence shall beare all damages; & if any swine be impounded for damage done as aforesaid, & y^{r} be kept three dayes, & y^{t} no ꝑson will owne y^{m}, y^{t} y^{e} p̃ty damified shall give notice to y^{e} two next townes, w^{r} any are wthin 5 miles compas, y^{t} such swine are to be sould by an outcry wthin 7 dayes next after such notice by y^{e} p̃ty dammified; & in case none will buy, he shall cause y^{m} to be apprized by y^{e} cunstable, or one chosen by him, & may keepe y^{m} to his owne use; & in both cases, if y^{e} own^{r} shall after appeare, y^{e} ov^{r}plus (all damages & charges being satisfied according to valluation of apprais^{r}s as aforesaid in writing und^{r} their hands) shall forthwth be rend^{r}ed to him; & if any towne shall neglect to take ord^{r} for p̃venting harmes by swine, according to y^{s} law, more y^{n} one month aft^{r} due publication hereof, such towne shall forfeit to y^{e} treasury 40^{s} for ev^{r}y month so neglecting, to be levyed by y^{e} marshall, by warrant fro^{m} y^{e} treasurer, fro^{m} time to time, aft^{r} conviction, &c, w^{n} it is upon record. 1647. 11 November.

[Two lines which are repeated on the commencement of the next page are omitted in this printed copy. Pages 190 and 191 are in the handwriting of Mr. Edward Rawson.]

*Military Affaires. [*190.]

The military officers of each company, in any publick meeting or oth^{r}-uise in their oune toune, vpon sixe dayes warning, as in case of sum̃ons, or more, wth the advice or consent of such souldje^{r}s as are allowed their votes in choyce of their office^{r}s, shall, from time to time, appoint the dayes for trayning their company^{e}s, so as there be eight dajes appointed for the same euery yeare, & none of them to be in the 5th or 6th m̃. 351 : 126. Millitary lawes.

All majestrates, deputjes, office^{r}s of Court, elde^{r}s & deacons, the president, ffellowes, students, & office^{r}s of Harvard Colledge, and all proffessed schoole masters allowed by any two majestrates, the treasurer, audito^{r} gene^{ll}, survejo^{r} gennerall of the armes, &c, publick notarjes, phisitions, chirurgeons allowed by two majestrates, maste^{r}s of shipps, & othe^{r} vessells aboue twenty tvnns, mille^{r}s & constant heardsmen, & such other as shall by any Court be dischardged, eithe^{r} for bodily infirmity or othe^{r} reasonable cause, shall be exempt from Magist., deputje, office^{r}s of Court, eld^{r}s, &c̃, exemp. from ordinary traynings.

1647. ordinary traynings, watchings, & wardings, but not their sonns or servants, saue one se^rvant of eũy majestrate allowed exemption.

11 November. Maj^r Geñ, &c̃, to trajn his owne servants. N° 675.

And the son^s & household servants of the majo^r generall for the time being shall be exercised by his owne order, & not otheruise compellable to attend y^e ordinary trajnings.

All to be prouided w^th armes.

But all those persons exempt (except magis^ts & teaching elde^rs) shallbe prouided of armes as other men are.

Souldje^rs liber-ty.

Euery souldje^r ljsted in any trajned band, hauing taken the oath of residents, & euery freeman, though not so ljsted, shall haue his vote in nomination of military officers of y^e company or toune; prouided they be freemen whereof he is. 315.

N° 317, 609.

And euery capt̃, leift̃, & ensigne, so nominated, is to be presented to the next County Court, to be allowed, &c. No. 315.

If any person, who is by law to provide armes & am̃nition, & cannot purchase them by such meanes as he hath, shall bring to the clarke so much corne or othe^r merchantable goods as, by the apprizement of s^d clarke & two othe^rs of the company, whereof one to be chosen by the party, shall be adjudged of greater value, by a fifth part, then such armes or annition, he shallbe excused of the pœnalty for want of armes, but not for non appearance, &c, vntill he be prouided; & the clarke shall endeavou^r to furnish him, so soone as may be, by sale of such goods depossited, rendring the party the ouer plus. 470.

But if any person shall not be able to provide himselfe armes & am̃nition through meere pouerty, if he be single & vnd^r thirty yeares of age, he shallbe putt to service by some; if he be marjed, or aboue thirty, the constable shall prouide him armes, &c, & shall appointe him w^th whome to earne it out.

Size of mus-ketts.

No muscquet shallbe allowed for servjce vnder bastard musket bore, & not vnde^r three foote nine inches in length, nor any peece aboue fowe^r foote three inches; & euery such souldjer is to be furnished w^th a primng wyer, worme, & scoure^r fitted to y^e bore of his musket. 606. Vpon any military expedition, vpon occasion of an enniemy, all smiths & other workemen are to attend the repayringe of arme^s & other necessarjes, & may not refuse such pay as the country affords, (521,) vpon pajne of fiue pounds for euery such neglect; at othe^r times, more then tenn dayes, to forfeite for euery such offence ten shillings.

Smith^s to rep^r armes, &c̃.

Su^rveyo^r powe^r to sell armes.

The surveyo^r gennerall hath power to sell any of the common armes where he see^s occasion.

Euery toune w^ch shall haue any armes or am̃vnition belonging to y^e common store of the toune, shall prouide a mee^t place to keepe the same in, & shall safely p^reserve the same, vpon 10^s for euery weekes default. 193.

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11 November.
[*191.]

*The military officers of euery company in such places, at such times as they shall apprhend danger from an ennemy, shall haue power to ordr the souldjers of their companjes what armes to bring to the meeting houses, at ye times of the publick assembljes, & to take course for ye securing ye armes of remote farmes. 543.

In euery company some vndr officr shallbe appointed by the cheife comandr, to excercise such children as, by their parents or masters allowance, shall resort to the traynings. 591.

In times of danger, the watches & wards shall be set by the military officrs, in such places as they shall judge most convenient, (447;) & if any man shall shoote of a gun after such watch is sett, except in case of allowance, he shall forfeit 40s. 612.

Alarums.

The distinct dischardge of 3 muskets, or the continued beate of ye drumn, or ye fyring of a beacon, or discharge of a peece of ordinance, or any one of these in the night, or the sending of a messenger on purpose to give notice of an ennemy at hand, shall be accounted a gennerall alarum, wch euery trayned souldjer is to take imediately, on pajne of fiue pound. Besides the genrll alarum, there shallbe a speciall alarum for ye tounes, vizt: one musket dischardged, wch each sentinell shall answer by going to the houses in his quarters, & crying, Arme, arme; & if the danger appeare, the cheife officer may eithr strengthen their quarters or give a gennerall alarum, & they may set their sentinells or courts of guard where they shall judge most conuenient; & vpon certejne intelligence of an ennemy at one toune, the comandrs of the 3 next tounes shall repajre thither wth a sufficient company, according to the intelligence given them of the ennemjes strength. 521.

The 3 cheif officrs of euery company, or any two of them, shall haue powr to punish such souldjrs as shall commit any disordr or contempt vpon any trayning day or time of military excercises, or vpon any watch or ward, by stocks, bilboes, or other vsuall military punishment, or by fine not exceeding 20s, or may comitt such offendor to the constable, to be carried before some magistrate, who may binde him ouer to the next Court, if the cause shall so require. 520.

Goūnr to be gennell in times of peace, &c.

It belongeth to the place of the Goûnor for the time being to be gennerall of all the military forces; but where occasion of service shallbe against an ennemy, the gennerall court or standing council may appoint some other to ye office, vntil the forces raysed shall be disbanded. 315.

The law made the 14th of the 3d mo., 1645, & the 12th of the 6 mo., 1645, No 598 & 599, together wth this present law, to stand in force, & all

1647. other gennerall lawes & orde^{rs} concerning military affajres are henceforth repealed. The constables watch to be refferred to title constables.

11 November. Constables watch, &c.

In ordinary times, when no dange^{r} appeares, the watch shallbe set by y^{e} constables in the seuerall tounes, from halfe howe^{r} after sunset to halfe an howe^{r} before sunn rising, from the last of the first moneth to the last of the 7th moneth; & euery person of 18 yeares of age, not exemp^{t} by law, viz^{t}, magistrates, office^{r}s of churches, schoolemaste^{r}s, cap^{t}, leiften^{t}, ensign, tresu^{r}, millers, & such as are bread to learning, & such as are dischardged by 2 magistrates, being of able body, or of estate sufficient to haue another, w^{ch} any of the magistrates shall haue powe^{r} to judg of, shallbe ljable to watch in person, or some other able person, when he shallbe thereunto required by the constable of the toune; and all persons of the family, whether son^{s}, servan^{ts}, or sojourne^{rs}, are included in this law; or if any shall refuse or neglect to watch according to this law, the constable shall present his name to one of the next magistrates, & if upon due conviction he cannot give a sufficient excuse, the same magistrate shall give a warrant to the constable to levy 5^{s} by distresse, &c, for euery default, to be implojed for the vse of the watch, & recompence besides to the constables, & such other for their time, &c, as shallbe necessarily implojed therein.

Euery toune shall haue alwayes a watch house convenient for that service, except the meeting house stand so as it may serve in stead thereof, vpon pœnalty of 10^{s} a weeke for default thereof.

All other orde^{r}s, touching the constables watches, are repealled, associats & farmes to stand as by other lawes.

Woronoco to Springfeld.

It is ordered by this Court, that Woronoko, vpon Connectico^{t} Rjver, wthin y^{s} jurisdiction, shallbe & be reputed as a part of y^{e} toune of Springfeild, & ljable to all charges there as other p̃ts of the same toune; vntill erecting some oth^{r} plantation more convenient, it shallbe thought fitt by y^{e} Court to annex it to such new plantation.

[In the handwriting of Secretary Nowell.]

[*192.] *M^{r} Pinchin is authorished to make freemen, in the towne of Springfeild, of those that are in covenant & live according to their p̃fession; & Springfeild, within twelue months, to bring in a transcript of their land, according to y^{e} law in that case p̃vided, and a true note of the time of all their births, burials, & marriages.

[The remainder of page 192 is by Mr. Rawson, except the town marks, which are marginal entries by Mr. Nowell.]

And further, the inhabitants of Douer are granted exemption from serving at the Gennerall Court, (except it be at the Court of Election, & so long as that session shall continue,) and their fine for not appearing is remitted.

1647.

Towne Marks agreed by ye General Corte for Horses, cx, x x x x x, ordered to be set upon one of ye nere qrtrs x x. 11 November.

Charlestowne,	Braintree,	Hingham,
Cambridge,	Roxberry,	Hampton,
Concord,	Rowley,	Haverell,
Salem,	redding,	Gloster,
Salsberry,	Watertowne,	Meadford,
Sudberry,	Meymoth,	Manchestr
Strawberrybanke,	Woburne,	Andiver,
Dorchester,	Northam,	Bull,
dedham,	Linn,	Springfeild,
Dover,	Ipswich,	xashaway,
Boston,	Nuberry,	Exiter.

It is ordered, by authority of this Court, that the trading house at Woronoco, & all other trading howses, errected or to be errected, mainteyned or vsed wthin this jurisdiction for trading with the Indjans only, or cheifely, shallbe contributory to all publick & comon charges, both in toune & country, & euery such person as shall inhabit or trade in any such trading house, or neere the same, shall pay vnto the publick treasury, by the hands of such as shallbe assigned to receive the same, for euery skins of beavar, otter, beare, or moose, two pence; and if such person, so assigned, shall haue cause to suspect that any such trader hath not given a true account of all such skins so traded, he shall informe one of the next magistrates thereof, who shall send for such trader, & require him to deliuer account, vpon oath, wch if he shall refuse to doe, he may comitt him to prison, or take bond of him, wth surety for his appearance at the next Court of Assistants, to answer his contempt, & be proceeded wth according to justice. And it is further ordered, that all such skins, so receiued by way of trade, in or neere such trading house, for wch the said impost of two pence pr skin shall not be sattisfied wthin one weeke after demand thereof, shallbe forfeite to the publick treasury, or the value thereof, to be levyed vpon warrant from any one majestrate vpon any skins or other goods in such trading house.

16 of the 9 m, 1647. By the Court.

Mr Treasurer, yow are hereby authorized & required to send forth your warrants to all the tounes wthin this jurisdiction, according to the directions belonging to yor office, expressed in the order of assessments, requireing all constables, selectmen, & comissioners for tounes, from time to time, & from point to point, to list, assesse, correct, transmitt, levy, & make payment impar-

1647. 11 November. tially in all respec^ts, according to the expresse rules & directions thereof, only for the present rate the selectmen & com̄issione^rs in each toune are required & au^thorized to make the assessment vpon the estate according to the plajne inten^t of the orde^r, as neere as they can, & to charge the constables w^th levying & paying the same to the Treasure^r, before the 20^th of the next 10^th moneth, according vnto & vnder the pœnaltjes of the orde^r aforesajd, & is otherwise, by former orde^rs, prouided for.

Yow are also to require the selectmen & com̄issione^rs to send yo^w coppies of their assessmen^ts, so soone as they are made, that yo^w may know what to require and receive of each constable vpon the same, according to the warran^ts to yo^w directed to that purpose, hauing put in old com̄issione^rs.

M^r Treasurer, yo^w are to take notice, that Boston, Charls Toune, Roxbu^ry, Dorchester, Cambridge, Water-Toune, & Dedham are required to bring in their seuerall proportions of this rate to yo^w, w^thin twenty dajes: the ground thereof, with the end, yo^w will be enformed by the Secretary, by an orde^r passed both houses thereabou^ts.

[In the handwriting of Secretary Nowell.]

1647-8. March. [*193.] **At a Session of the Gen^rall Courte, the First Month, 1647 or 1648.*

IN answere to the petition of M^r Nicho: Davison, for M^rs Rebecca Cradock, alias Glover, for divers sum̄es of mony disbursed for the country, of w^ch he saith resteth due 679. 6. 4^d, the Co^rte doth referr this to the audito^r gen^rall, to examine the matter of the petition, & to certify this Co^rte what he shall find concerning the same.

It is ord^red by this Co^rte, that M^r Gawen Painter, shalbe alowed to try an action against M^r Rob^rt Saltonstall & p̃tners, at the next Co^r[t], at Boston, about the goods of the said Gawen, seized for seamens wages, notw^thstanding any former ord^r of this Co^rte.

710– Upon the petition of Norfolke, the Co^rte doth thinke fit that the sheir towne of Norfolke be refered to furth^r consid^ration, & the magistrat[es] to agree some of themselues to keepe Co^rte, as is desired, & that they have liberty to choose gentlemen of worth, in or out of their sheire, for associates, & that they be not called out of their sheire to gen^rall traineings there; p̃vided they trayne 8 times a yeare, according to law, & be und^r the com̄aund of the serieant maior of Essex, to gen^rall trineings in their sheire, or otherwise, in times of danger.

John Stedman, haveing bene ensigne of the company at Cambridge about six yeares, is freed from serving as a comon souldier there. 1647-8. March.

It is ordered by this Co^rte, that all the land on the east side of Conetecot Ryver, from the towne of Springfeild downe to the warehouse w^ch they formerly built there, shall belong to the towne of Springfeild, for the psent & during the pleasure of the Co^rte, & twenty poles below the warehouse. Springfield.

It is ordered, that the first Co^rte in Norfolke shall be kept the last third day of the 2^d month, at Salsberry, & to have the same magistrates that keepe Co^rte at Dover, & in the meane while liberty to choose their comissioners, & to take their oathes before the same magistrates.

It is ordered, by the authority of this Co^rte, that Maior Dan[iel] Denison, M^r Rich^rd Dumer, & M^r Hubberd, or any two of them, shall assist M^r Symonds, or such other magistrate or magistrates as can attend the keeping of the next Co^rte at Ipswich; & they, or any three of them, (whereof M^r Symonds to be one, or some other magistrate,) shall have pow^r to heare & determine all causes, both civill & criminall, refered to y^e cognizance of that Co^rte, according to law; pvided that they take their oathes.

At the request of the countye of Middlesex, they are granted to have two Countye Co^rts therein, the first to be kept the last third day of the 8^th month next, & their other Co^rte the last 3^d day of the 2^d m^n after. 711-

The Co^rte doth conceive it meete that John Wayte, of Charlestowne Village, shall be alowed, out of the next country rate, for his writing one booke of the lawes, & for finding paper for both bookes, 4^t 18sh^s.

M^r Pendleton & Willi: Parks are ioyned w^th the audito^r generall to take an account of the magistrates expences for dyet for this session, & so ev^ry session two of the deputies shall be chosen for that purpose.

Capt Ting, M^r Glover, Leift Pendleton, Willi: *Parkes, & Edmund Jackson are chosen a comittee, they, or any of them, to veiw Mistick bridge, & to certify the next Co^rte, the two first to give notice & three dayes warning to the rest. 712- [*194.]

John Lovell is abated his fine of 5^t to 20sh^s.

On condition that the towne of Linn sufficiently repaire their bridge before the Co^rte of Election, & for ev^r keepe it & mainetaine it in repaire, they shall be allowed 20sh^s a yeare, from the publike treasury, forever, to be paid out of their yearely rate, or otherwise. 713-

Whereas this Co^rte hath taken notice, by severall complaintes, that certeine people, intruding themselues into the land at Shawamet, pteining to this iurisdiction, 1. have destroyed much or all the corn the pore Indians, und^r this

1647-8. March. goverm^t^, had planted there last yeare, for the subsistence of themselues & families, so that this Co^r^te hath bene driven to supply them; —

2. That they, or some of them, have wronged the English there, under this goverm^t^, by entering into one of their houses, in a violent manner, & offered to search his house for what they pleased, ꝑsenting a pistoll to his breast, in a threatening manner; —

3. That they tooke away a gunn, out of an Indian wigwam, apperteining to the country: —

The ꝑmises consid^r^ed, the Co^r^te doth conceive that it is meet to send three discreet messeng^r^s unto them forthw^th^, (by reason planting time groweth on so fast,) to inquire & certify us the truth of these things, & w^th^all, to ꝑvent the like for the future, that they be required, from this Co^r^te, ꝑsently to quit the place of Shawamet, & make restitution for the wrong they have done, both to the English & Indians there, w^ch^ course taken, (upon returne of the messengers,) ꝑvidence may direct seasonably to answere our engagem^ts^ to o^r^ people there, according to God. Further, when these messengers have done their busines at Shawamet, in case they conceive not satisfaction, they shall go to Roade Iland & Providence, & acquint such as are in cheife authority there wherefore they were sent to Shawamet, & that this Co^r^te doth desire to know?

Wheth^r^ they will owne them & maintaine them in this course they are in.

The Instructions w^ch^ this Co^r^te giveth to yo^u^, John Johnson, Surveyo^r^ Gen^r^, Leift Josua Hewes, & Serieant James Oliv^r^, Messeng^rs^ to Shawā.

1. Yo^u^ shall first informe yo^r^selues, & consid^r^ how the intrūd^rs^ into that plac^e^ (& thereabouts) do stand affected in regard of the p̃ticulers in this case mentioned, viz^t^: wheth^r^ they do gen^r^ally incline to make satisfaction, or to ꝑsist in maintaining what they have done, or wheth^r^ Weekes, or some p̃ticuler ꝑsons, onely do ꝑsist.

2. That yo^u^ demaund of them to expresse their answere by one or two, in the name of the rest.

3. That yo^u^ be carefull to act ioyntly, that yo^u^ may be able to give the fuller testimony about the ꝑceedings on eith^r^ part, & to take the Arnolds w^th^ yo^u^, as yo^u^ shall see occasion.

These instructions to be aded to the order of Co^r^te.

714– This Co^r^te considering the great ꝑill w^ch^ men, horses, teames, & oth^r^ cattell are exposed to, by reason of defective bridges & high wayes between
[*195.] Boston & Salem, & elsewhere in this iurisdiction, *it is therefore ord^r^ed, that

if any ꝑson loose his life in pas[sing] any bridge or high way aforesaid, (after due warning given of such defective wayes & bridges,) the country or towne who ought to secure such wayes or bridges shall pay a fine of 100^{li} to the parents, wife, or children of the party so deceased; & if any ꝑson loose a lim̄e, breake a bone, or receive any oth^{r} brush or breach in any ꝑt of his body, by such meanes as aforesaid, the country or towne through whose neglect such hurt is done shall pay to the party double damages; the like satisfaction shalbe made for any teame, cart, or carriage, horse, or oth^{r} beast, ꝓportionable to the damage sustained, (as aforesaid.) 1647-8. March. Defectiue bridges.

Upon treaty wth M^{r} Winthrop touching the making of salt out of meer salt wat^{r}, for the use of the country, it is apꝓhended & assented, by both part^{s}, that for incuragment of the said worke, being of so gen^{r}all concernment, it is enacted, by authority of this Co^{r}te, that for so many families or housholdr^{s} as are resident wthin this iurisdiction, M^{r} Winthrop shalbe paid, after the next harvest, so many bushels of wheate, or of other corne & wheate, to the value of wheate, yet so as the one halfe of it be in wheate certeine, upon the delivery of so many bushels of good white salt at Boston, Charles Towne, Salem, Ipswich, & Salsberry, to be received & paid for by the com̄ission^{rs} for publike rates, upon two months notice given by M^{r} Winthrop unto the cunstable, selectmen, or com̄ission^{r} for publike rates for each sheire towne, who hereby shall have power to levy the said corne in ꝓportion, according to the rules of rating for estates, & also to apportion the salt to their inhabitants; & furth^{r}, it is ord^{r}ed, that the comission^{r}s aforesaid for the second yeare shall, on the behalfe of the houshold^{rs} aforesaid, receive & make paym^{t} at the places aforesaid for two bushels a family of such like salt, at the price of 3sh^{s} ꝑ bushell, & apportion it as aforesaid, according to the numb^{r} of families; & also that for oth^{r} two yeares the com̄ission^{rs} aforesaid shall take of & make paym^{t} for two hundred tun^{n} of salt, at 2^{s} ꝑ bushell, at such salt worke as the said M^{r} Winthrop shall appoint, so it be wthin this iurisdiction; also, it is ordered, that he shall have liberty to erect workes in any place or places wthin this iurisdiction not apꝓpriated to any towne or ꝑson; & also where any such place or places apt for such worke shall be found in any ꝓpriety, it is the earnest desire of this Co^{r}te that the townes & ꝑsons to whom it belongs will, for reasonable consid^{r}ation, resigne the same, w^{ch} we conceive & confidently hope all will willingly & cherfully do. Salt.

This Co^{r}te, haveing consid^{r}ed the intelligence w^{ch} came lately from England of the great distractions w^{ch} they are in, & the dangers w^{ch} they lye open to by occasion thereof, & also the Lords visitation gen^{r}ally through this country the last sum̄er, by an unknowne disease, & the damage in o^{r} corne & oth^{r} D. humil.

1647-8. March. Fast. ꝑvisions by the drought, & being sencible also of the great mortality of o^{r} country men in the West Indies, & having cause to feare least o^{r} sinnes may ꝓvoke y^{e} Lord to lay more heavy corrections upon us, in y^{e} like or other kinds, this year following, have therefore agreed & ord^{r}ed, that these things should forthwith be intimated to all y^{e} churches wthin this iurisdiction, to the end that they may be stired up to seeke y^{e} Lord, for ꝓvention of these evils; & for this purpose, y^{e} 20th of y^{e} 2^{d} m̃ next is appointed & set a p̃t to be kept a day of humiliation in all y^{e} churches; & all ꝑsons are here[by] required to abstaine from bodily labo^{r} that day, & to resort to y^{e} publike meetings, to seeke y^{e} Lord, as becomes Christians in a day of humiliation.

Dated this 5th first month, 1648.

[*196.] *The Co^{r}te being informed of y^{e} defects of y^{e} prison by a com̃ittee,—

1. That a great p̃t of y^{e} groundsils & y^{e} tenants of y^{e} studs are very rotten;

2. Y^{t} y^{e} p̃titions w^{ch} divide y^{e} roomes are very weake, to keepe prison^{r}s a part;

3. Y^{t} much of y^{e} planke y^{t} cov^{rs} y^{e} house is very rotten, so as it will be necessary there be a new covering, it being very uncomfortable as it is;

4. Y^{t} y^{e} pales w^{ch} compas in y^{e} prison will in ꝑbability soone fall, if there be not spedy course taken to new post them;—

The audito^{r} & survey^{r} gen^{r}all are appointed to ov^{r}see y^{e} worke, & to agree wth the workmen as they, in their wisdoms, shall thinke best, that it be done substantially, the house to be cov^{r}ed wth shingles, w^{ch} done, y^{e} upper roomes may be of great use to y^{e} country in sev^{r}all respects.

The Co^{r}te doth desire that M^{r} Rawson & M^{r} Hill compare y^{e} amendments of the bookes of lawes passed, & make them as one; & one of them to remaine in y^{e} hands of y^{e} com̃ittee for y^{e} speedy com̃itting of them to the presse, & y^{e} oth^{r} to remaine in y^{e} hands of y^{e} Secretary, sealed up, till y^{e} next Co^{r}te.

Upon y^{e} petitions of M^{r} Rob^{r}t Saltonstall, ye Co^{r}te doth conceive y^{t} y^{e} part of y^{e} petition w^{ch} concernes y^{e} respiting of y^{e} petition about farm^{r} Dexter, may be granted untill y^{e} next Co^{r}te: ꝓvided y^{t} Rob^{r}t Saltonstall give in sufficient security to abide y^{e} ord^{r} of y^{e} Co^{r}te, & also to answere all damages, the security to be alowed by y^{e} Secretary.

In answere to y^{e} petition of some of Excetter, the Co^{r}te doth thinke meete y^{t} M^{r} Ezechi: Rogers, M^{r} Nathani: Rogers, & M^{r} Norton be requested by this Co^{r}te, & authorished, to examine y^{e} grounds of y^{e} complaint, &, if it may be, to compose things amongst them, w^{ch} if they cannot do, then to certify this Co^{r}te what they find, & also thinke best to be done, w^{ch} may conduce to peace, & continuance of y^{e} ordinances amongst them; also, y^{t} y^{e} parties on both partes be enioyned, by authority of this Co^{r}te, upon notice to them given

by the said comissionrs, to come to such place, & at such times, as they shall appoint, for hearing & composing the same. 1647-8. March.

Leift Johnson, upon his request, (being pressed wth many urgent occasions,) is dismised from any furthr attendance on ye service of ye Corte.

The most of the freemen desiring their formr librty of sending one or two deputies to ye Genrall Corts from time to time, the former wonted liberty is continued, & ye former act in suspence is repealed. Dept.

In answere to ye request of ye traine band of Salsberry, ye Corte doth alowe & approve of their choyce of Robrt Pike for their leiftenant, & Thoma: Bradbury for their ensigne, & confirme them therein.

In answere to Benedict Arnolds letter, ye Corte doth thinke it meete to alow him librty to take up 50 bls. of Indian corne, for suppliing of ye Indians there therewth, for wch he shall be satisfied here in wampam, desiring that strict ordr may be taken for recovry of ye wampom due from Pessicus.

Upon ye petition of Mrs Katherine Dudly, late ye wife of Samu: Hackburne, for ye deed shewed to be made good, by authority of this Corte, according to ye contence thereof, & so to be endorced undr ye hand of ye Secretary, & if any iust cause shall be shewed to this Corte wthin one yeare to the contrary, then this order to be revoked.

Whereas, upon a cause comenced in ye Corte of Assistants, at Boston, the 3d of ye first m, 1645, between Robrt Saltonstall & David Yale, plantifs, & Abra: Shurt, defendt, & upon a difference between ye Corte & iury, ye cause was refered to ye determination of this Corte, who, upon hearing all parties, made an ordr for ye confirming of ye title & right of *the plaintiffs; & whereas, [*197.] at ye last session of this Corte, ye said defendt, by Robrt Knight, his atturny, petitioned this Corte for a reveiw of ye said cause, wch (for some speciall considrations) was granted, now this Corte, upon ye appearance of ye ptties, plaintiffe & defendts, & Mr Richrd Cutts, agent for Mr Sampson Lane, & ye atturny of David Sellick, & Mr John Maning & David Yale, & upon hearing ye pleadings on all pts, by ye said parties & their advocates, do find no cause to alter ye formr order of this Corte, as ye cause was then stated & repsented; but for as much as it now appeares, upon furthr evidence, that ye said Robrt Saltonstall, from whom the said David Sellick & Cuts do clayme, had no iust & true right (though legall) to ye house & land in question, when he bargained & sould ye same to ye said David Sellick, from whom it came by conveyance to ye said Cutts, or Sampson Lane, in whose right he claymes, &c, but that ye true right & title thereto were in ye said John Maning & David Yale, who, since ye said last session of this Corte, conveyed their severall interests to ye now plantiffe, Robrt Knight; & finding also that ye said Robrt

1647-8. March. Saltonstall was reputed to have sixty pounds interest in y^e^ said house & land, & possession thereof at y^e^ time when he sould y^e^ same to y^e^ said David Sellick, & that the bargaine & sale thereof was inroaled, whereas y^e^ bargaine & sale of y^e^ said John Manning was not inroled, & that y^e^ said John Mañing & David Yale, haveing then right thereto as aforesaid, & knowing of y^e^ said bargaine & sale, did not make their due clayme, or forbid, or use any meanes to hind^r^ y^e^ sale thereof, &c; & finding, also, that y^e^ said Rich: Cuts was purchaser, at y^e^ second or third hand, & for valuable consideration, & that, depending upon y^e^ former ord^r^ of this Co^r^te, he hath expended more then the said house & land were then worth, in repairing y^e^ same, & fiting them for his occasions; upon these consid^r^ations, this Co^r^te doth ord^r^ & determine as followeth: that y^e^ said Rich^r^d Cutts shall enioy y^e^ house & land in question, according to y^e^ estate & interest granted or conveyed to him, or Sampson Lane, from y^e^ said Rob^r^t Saltonstall, or David Sellick; & that y^e^ said Rob^r^t Knight shalbe paid & satisfied sixty pounds, due to him from Thom: Wannerton, upon a morgage of said house & land in question, & also twenty pound, w^ch^ he paid to y^e^ said David Yale for his interest, w^ch^ said severall sum̄es shalbe paid to him by y^e^ said Rob^r^t Saltonstall, for w^ch^ y^e^ said Rob^r^t Knight shall have execution against y^e^ estate of y^e^ said Robert Saltonstall, both lands, & goods, & against his ꝑson, (if estate cannot be found,) w^th^out any furth^r^ suite, untill he shall be fully satisfied; & y^e^ Co^r^te doth adiudge M^r^ Mañings interest to be lost for want of enroaling, & he left to his remedy upon y^e^ bargaine from M^r^ Saltonstall; & furth^r^, y^e^ said Rob^r^t shall pay, as a fine for his miscarriages aforesaid, (whereby all y^e^ charges & troubles aforesaid have growen, both to this Co^r^te & y^e^ parties,) & also shall pay unto M^r^ Knight, for y^e^ charges of this ꝑsent Co^r^te, eight pound & six shillings; & this ord^r^ to be a finall determination between all y^e^ said parties, concerning y^e^ said house & land, & all differences arising thereupon; & M^r^ Rob^r^t Saltonstall is fined five pound, & is debarred from pleading in other mens causes in any Co^r^te of iustice, except himselfe have reall interest therein.

Record of M^rs^ Coytmor & her sons estate.

These ꝑsents witneseth that I, Martha Coytemore, of Charles Towne, widow, executrix unto my late husband, Thom: Coytemore, deceased, in & for y^e^ more sure accomplishment of his said last will & testament, bearing date the 25^th^ of the 6^th^ m̊, 1642, by w^ch^ he did bequeath & give his whole estate unto my selfe & child, his sonne, Thom: Coytemore, as by y^e^ said will doth appeare, w^ch^ estate did amount unto y^e^ sum̄e of twelue hundred sixty six pounds, nyne shillings, seaven pence, as by the inventory thereof doth appeare, & now being purposed, by y^e^ ꝑvidence & ꝑmission of God, to enter marriage w^th^ John Winthropp, Esq̄, Gov^r^n^r^ of y^e^ Massachusets, in tend^r^ respect, also, to my said

child, & oth^r^ consid^r^ations mee thereunto moveing, w^th^ the advice *& consent of my beloved broth^r^, M^r^ Increase Nowell, one of y^e^ ov^r^seers of y^e^ said will, as also by y^e^ direction & w^th^ y^e^ good liking of y^e^ said John Winthropp, have agreed, & do hereby covenant, graunt, & agree, that all & every y^e^ p̃ticulers hereaft^r^ mentioned shall hencefourth be & be accounted y^e^ p̱p estate of my said child, as his halfe p̃t of y^e^ estate come to my hands, by vertue of y^e^ said last will & testam^t^, & also do ordaine & appoint my beloved brethren, M^r^ Increase Nowell, M^r^ Willi: Ting, M^r^ Joseph Hill, & Willi: Stitson as feoffees in trust, & trustees in y^e^ behalfe of my said child; into whose hands & pow^r^, to y^e^ onely use & behoofe of my said child, I do hereby estate & intrust all y^e^ p̃ticulers hereafter mentioned, as aforesaid, as well lands, houses, mils, & oth^r^ goods, in nothing to be alienated, allessed, or diminished by me, or any oth^r^ p̱son or p̱sons whatsoev^r^, w^th^out y^e^ ord^r^ & consent of y^e^ said feoffees, or y^e^ maior p̃t of them, or y^e^ surviv^rs^ of them, und^r^ their hands, in writing, & that to y^e^ benefit of y^e^ said child; w^ch^ said division I also agree to, & desire it may be ratified by y^e^ next Gen^r^all Co^r^te, & confirmed; & y^e^ said feoffees authorished to do, execute, p̱vide, & p̱forme, on y^e^ behalfe of my said child, in all things, according to y^e^ true intent & meaning of this p̱sent agreem^t^, & according to y^e^ last will & testam^t^ aforesaid; p̱vided, nev^r^ the lesse, y^t^ all y^e^ revenue of y^e^ said housing, lands, mills, & cattle, as also so much of y^e^ oth^r^ estate, hereafter mentioned, as shalbe put into land, or oth^r^ imp̱vm^t^, for annuall advantage or incombe, shalbe & remaine to my owne use & benefit, & for education of my said child, untill he shall come to y^e^ age of discretion, & further, till he shall accomplish y^e^ age of twenty one yeares, unles he shall before (being capable thereof) make choyce of some other guardion, till he shall attaine his full age aforesaid; p̱vided, also, y^t^ if it so come to passe y^t^ any p̃t of y^e^ said estate shalbe disposed unto my moth^r^, M^rs^ Katherine Coytemore, as is p̱vided in y^e^ said will, then y^e^ feoffees shall pay out of y^e^ estate of my said child in p̱portion, as is p̱vided in y^e^ said will, notw^th^standing y^e^ agreement & division hereby made & exp̱ssed. In witnes whereof I have hereunto put my hand & seale, y^e^ 20^th^ of y^e^ 10^th^ m̃, 1647.

1647-8. March. [*198.]

One new feath^r^ bed, boulst^r^, & pillow, ...	y004 00 00	1 quilt, red & blew, ℓ̄d̄,	y001 06 00
2 blankets, one greene rug, & cov^r^let, ...	1 18 00	54¾ plate, at 4^1s^ p ℥,	y012 06 04
One chest of drawers, . .	y002 00 00	1 silv^r^ girdle & silke iacket, . . .	001 00 00
One trunk, & 2 holland shirts, ...	y001 02 00	A trunk, 4^s^, an iron pot & hooks, 8^s^,	0 12 00
9 towels, 5^s^, 3¼ duss: napkins, 32½^s^, ...	01 17 06		26 01 10

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Y^e^ oth^r^ p̃t, ...	ỿ026 01 10	4 cows, 20^t^, ½ new mill, ...	110 00 00
500 acres land at Wooborne,	50 00 00	½ Colo: Rainboro debt,	75 13 00
Y^e^ house, garden, &c, . .	120 00 00	A copp furnace, . .	ỿ001 10 00
Halfe y^e^ furth^r^ mil, . . .	100 00 00	130 acres land at ell-pond, ...	22 00 00
5 cowe cõmons, ...	010 00 00		ỿ620 00 00
23 hay lots, ...	ỿ041 00 00		
85 acres of land by mil, .	63 10 00		
A warming pan, & copp fry^g^ pan, ...	6 00		

The Co^r^te consented that these indentures should be recorded, & kept among y^e^ private records of this Courte.

This indenture, made the 20^th^ of y^e^ 10^th^ m̃, 1647, between John Winthrope, of Boston, in New England, Esq̃, & Martha Coytemore, y^e^ relict of Thom: Coytemore, late of Charles Towne, in Newe England, aforesaid, on y^e^ one p̃ty, & Increase Nowell, of Charlestowne, aforesaid, gen̄t, Willi: Ting, of Boston, aforesaid, marchant, Joseph Hills, & Willi: Stitson, of Charlestowne, also, on y^e^ oth^r^ p̃ty, witnesseth, that whereas, by y^e^ good ꝑvidence of God, there is a marriage intended shortly between y^e^ said John Winthropp & Martha Coytemore, & whereas y^e^ said John, having disposed of his estate among his children & such ꝑsons as he was ingaged unto, so as he hath not to endowe y^e^ said Martha, & therefore, out of y^e^ love he beares to her, is carefull to have her owne estate so secured to her as that, by the blesing of y^e^ Lord, it may be ꝑserved, & remaine to her & her children after y^e^ death of y^e^ said John Winthropp, it is hereby covenanted, granted, concluded, & agreed by & between y^e^ said p̃ties in mann^r^ & forme following, videl: y^t^ y^e^ said John & Martha, ꝑsently, upon their entermarriage, & during y^e^ coverture, shall & will stand seized & possessed of all such houses, mills, lands, tenements, & hereditam^ts^, goods, & chattels whatsoev^r^, being y^e^ ꝑꝑ estate of y^e^ said Martha, by & according to y^e^ last will & testam^t^ of her said late husband, & p̃ticulerly mentioned & exꝑssed in a certeine scedule hereunto annexed, to y^e^ use of y^e^ said Increase Nowell, W^m^ Ting, Joseph Hill, & W^m^ Stitson, & of y^e^ survivers or surviver of them, for y^e^ intents & purposes in this ꝑsent indenture expressed, & to no oth^r^ use, intent, or purpose, viz: y^t^ they, y^e^ said John Winthropp & Martha, shall & may receive & take all y^e^ rents, revenues, ꝑfits, & benefits of y^e^ save during y^e^ coverture, w^th^out rend^r^ing any account of [y^e^ same], or of any p̃t thereof; & if y^e^ said Martha shall have any issue of her
[*199.] body, begotten *by y^e^ said John Winthropp, or shall dep̃t this naturall life, during the × × it shall be lawfull for y^e^ said Martha, by her last will & testam^t^, in writing, to bequeath & dispose of all or any p̃t of her said estate, both reall &

1647-8. March.

p̄sonall, to & among her children, or otherwise, according to her will & best discretion, but neith^r y^e said John nor Martha, nor both of them, nor any other p̄son, shall have any interest or pow^r in y^e said estate, or any p̄t thereof, or in any of y^e rent, revenue, p̄fit, or benefit thereof, other then is in this p̄sent indenture ex̄pssed & intended, except upon such reasonable & fit occasion as y^e said trustees, or y^e maior p̄t of them, or y^e surviv^rs of them, shall, und^r their hands, in writing, given consent unto, or by y^e alowance & authority of y^e Gen^rall Co^rte; & it is y^e humble request of all y^e said p̄ties that this p̄sent indenture, & ev^ry p̄t thereof, may be confirmed by y^e authority of y^e said Gen^rall Co^rte, & entered among y^e private records of y^e same. Witnes where-of y^e p̄ties abovenamed to these p̄sents interchangably have put their hands & seales, the day & yeare above written.

A p̄ticul^r of y^e Goods & Chattels apportioned to M^rs Martha Coytemore.

Inpr: inpr: a p̄cell of books, 7 8 8^d.			
Feath^r bed & boulst^r 3^t, togeth^r, ...		10	8 8^d
A bed steed, trundle bed, w^th roapes & matts, ...		ȳ001	10 00
2 p^r of striped curtens, window curtens & valence, & green rugg, ...		ȳ002	10 00
1 feath^r bed, boulst^r, flock boulst^r, pillow, blankets, red rug, & trundlebed, ...		ȳ001	15 00
A p^r brasse hollow andirons, fier shovell, tonges, & creeps, .		ȳ001	15 00
A ciprus chest, 2^t 10^s; 7 p^r holland sheetes, 10, ...		ȳ012	10 00
3 dyap̄ table cloathes, 3½ duss: napkins, 2 coberd cloaths, & a damask napkin, ...		07	00 00
4 p^r holland pillow beares, 3 cob^rd cloths, 1 duss: napkins, 2 towels, ...		ȳ003	05 00
7 p^r course sheets, 3^t; 9 towels, 5^s; 17 table clothes, 2^t, . .		ȳ005	05 00
3¼ dussen napkins, 1. 12. 6^d; 2 p^r sheets & 1 p^r pillow beers, 1^t 6^s, ...		ȳ002	18 06
1 p^r striped silke curtens & valence, 5 windo curtens, 2 windo cloths, 1 cob^rd clo, & chimny clo, ...		005	00 00
1 green broad cloth carpet, 1 cob^rd clo:, 1 chimny clo:, & a little table cloth, ...		ȳ003	10 00
1 silk red & green quilt, 2. 10^s; a little turky carpet, 01. 6^s,		ȳ003	16 00
A suite of red tabie, 3^t; 54¾ 3 of plate, at 4. 6^d, being halfe, whole, 12. 6. 4^d, ...		15	06 04
A p̄cell of cheny platt^rs & saucers, 1^t; 1 trunk, 2 flaskets, 4 cases, 12^s, ...		ȳ001	12 00

1647-8. March.	A meridian compas & another compas, 12^s; a p^r of scales, 5^s; a case knives, a scru for almons, ...	}	01	14 00
	An ould cov^{r}let tent & blanket, 14^s; $26\frac{1}{2}$ ^{tt} gunpowd^r, at 20^d p ^{tt}, 2. 4. 2, ...	}	002	18 02
	2 brasse skellets, 2 spits, 1 iack, 1 stew pan, 2^t 6^s; halfe y^e furth^r mill & purtenā, 100^t, ...	}	102	06 00
	Land, beside all apportioned to y^e child, 12^t 10^s; a tapistry cov^{r}let, 1. 6^s, ...	}	y013	16 00
	12 leath^r chayres, 1. 10^s; 2 ould cov^{r}lets, 5^s; 6 blankets, 36^s; 1 p^r andirons, 1^t, ...	}	04	11 00
	1 bed boulst^r, 2 pillows, 2 p^r pillowbeers, 1 seale skin trunke,		y004	10 00
	1 wicker chaire, 3^s; 11 quishions, 18^s; a hamacho, 20^s, . .		y002	01 00
	2 p^r stuffe breeches, 1 coate, 1 iacket, 30^s; a spruce chest, 10^s; andirons & creeps, 5^s, ...	}	2	05 00
	135 ^{tt} of pewter, at 12^d p ^{tt}, 6. 15^s; a p̃cell tin ware, 10^s; a smooth^g iron, 5^s; iron pestle & mort^r, ...	}	7	10 00
	3 iron pots, 1 posnet, & 2 kettles, 2. 5^s; 1 p^r andirons, 2 iron drip^g pans, 1 p^r pothooks, 2 iron bars, 1^t; ould iron & a foul^g peece, 2^t 15^s; a copp kettle, ...	}	7	10 00
	A striped carpet, 6^s; a clock, 1^t; in ould lumber, 5^t, . . .		y06	06 00
	4 cowes, 20^t; an eighth of y^e new mill, 90^t, ...		y110	00 00
	Div^{r}s small things, above y^e mill above, ...		y006	09 00
	Maior Gibons, 140^t; Colonell Rainsborow & his broth^r, 75. 14^s,		y215	14 00
	Oth^r debts, things sould, & things not herein mentioned p̃ticulerly, ...	}	054	10 00
			620	01 08

The Co^{r}te consented that these indentures should be recorded & kept amongst the private records of this Co^{r}te.

Upon y^e petition of y^e inhabitants of Excetter, for their rate & head mony to be forborne, & y^t no act might passe to any of Dover for land at Lampille River, y^e Co^{r}te doth not thinke meete to grant y^e first of these requests, but deny it, & conceive meete they should forthwth send in their rates to the Treasurer.

For y^e second request y^e Co^{r}te will be tender.

Upon y^e petitiõn of William Adis, y^e fine of 5^t imposed upon William Barnes by y^e Co^{r}te of Salem is remitted.

Wat^{r}t^o bridge. Upon y^e petition of Watertowne, they have till y^e 10^{th} of y^e 7^{th} m̃ next

for the building of their bridge, und^{r} y^{e} form^{r} pœnalty in the last Co^{r}te order. 1647-8. March

For asmuch as this Co^{r}te is credibly informed y^{t} y^{e} plague, or like greivos [in]fectious disease, hath lately exceed^{gly} raged in y^{e} Barbadoes, Christophers, & oth^{r} i[slands] in y^{e} West Indies, to y^{e} great depopulat^{g} of those, it is therefore ord^{r}ed, y^{t} all [our own] or oth^{r} vessels come^{g} from any p̃ts of y^{e} West Indies to Boston harbor *shall stop [and come to an] anchor before they come at y^{e} Castle, und^{r} y^{e} pœnalty of 100^{t}, & that no ꝑson comeing in any vessell from the West Indies shall go a shore in any towne, village, or farme, or come within foure rods of any oth^{r} ꝑson, but such as belongs to the vessels company y^{t} hee or shee came in, or any wayes land or convey any goods brought in any such vessels to any towne, villag^{e}, or farme aforesaid, or any oth^{r} place wthin this iurisdiction, except it be upon some iland where no inhabitant resides, wthout licence from y^{e} councell, or some three of them, und^{r} y^{e} aforesaid pœnalty of a hundred pound for ev^{r}y offence. March Infecc̃o. [*200.]

That no inhabitant, seaman, or other ꝑson whatsoev^{r}, reciding wthin this iurisdiction, shall go a board any such shipp or vessell comeing from the West Indies aforesaid, or buy or otherwise take into his possession any goods or marchandize brought in any such vessell, wthout licence as aforesaid, und^{r} y^{e} pœnalty of 100^{t}, & to be otherwise confined or restrained, as the said councell, or some three of them, shall appoint; & to y^{e} end y^{t} all ꝑsons may have due information hereof, it is hereby agreed, y^{t} this ord^{r} shalbe forthwth published, & a coppy thereof sent to y^{e} captaine of y^{e} Castle, togeth^{r} wth com̄ission to him to cause ev^{r}y shipp or other vessell, belonging to y^{e} country or any oth^{r} place, y^{t} shall come from any p̃t of the West Indies aforesaid, to stop & come to an anchor before they shall passe y^{e} Castle, & then send unto them a coppy of this order, & there cause them to remaine till furth^{r} order from y^{e} councell, or some three of them, whose counsell is to be taken therein; this ord^{r} to continue till this Co^{r}te or the councell of y^{e} com̄on wealth shall see cause to repeale y^{e} same.

It is furth^{r} ord^{r}ed, y^{t} a coppy of this order shall be forthwth sent to the sev^{r}all cunstables of ev^{r}y port towne in this iurisdiction, wth warrant to give notice thereof, wth all possible speed, to any vessell comeing from y^{e} West Indies aforesaid, upon y^{e} first veiw thereof, & furth^{r} to see to y^{e} execution of this ord^{r}, according to y^{e} utmost of their ability, & y^{t} y^{e} councell, or some three of them, shall have pow^{r} to appoint some convenient place, upon some of y^{e} ilands or oth^{r} fit places, where such ꝑsons & goods shalbe sheltered for a time, & to do any thing of like nature y^{t} shall be necessary for their preservation, & welfare of y^{e} country.

1647-8. It was voted by the whole Co^rte, that Mistick bridge should be made & maintained by the country at the publike charge.

March.
Mestick bridge.

1648. **At a Gen^rall Co^rte of Election, at Boston, the 10^th^ of the 3^d^ M^o^, @ 1648.*

10 May.

[*201.] [PRESENT,]

M^r^ Em̄a: Downing,	Edw^d^ Rawson,
Capt̃ W^m^ Hathorne,	W^m^ Torrey,
M^r^ Rich: Russell,	Nicho: Jacob,
Ma: Ro: Sedgwick,	Thom: Und^r^wood,
Ca: Hum: Atherton,	Rich: Griffin,
M^r^ John Glover,	Micha: Powell,
Ca: Ro: Keayne,	Leift̃ Pike,
James Penn,	W^m^ Estowe,
John Johnson,	Thom: Michell,
Willi: Parks,	Maximi: Jewet,
Rich: Browne,	Walt^r^ Haynes,
Brian Pendleton,	Steph: Kingsly,
M^r^ Edw^d^ Holyoke,	Obedi: Bruen,
Thomas Layton,	Joh: Write,
Edw^d^ Jackson,	Ezdras Reede,
Rich: Jackson,	Rob^r^t Clement,
Ma: Dani: Denison,	Rich: Walker,
Rob^r^t Paine,	W^m^ Furber.

[For persons made free, see the end of the volume.]

JOHN WINTHROPE, Esq̃, was chosen Gov^r^no^r^, & tooke his oath.

Thom: Dudley, Esq̃, was chosen Deputy Gov^r^n^r^, & tooke his oath.

John Endecott, Esq̃, was chosen an Assistant, & tooke his oath.

Rich^r^d Bellingham, Esq̃, was chosen an Assistant, & tooke his oath.

Rich^r^d Saltonstall, Esq̃, was chosen an Assistant, & tooke his oath.

M^r^ John Winthrope, was chosen an Assistant, & tooke his oath.

Increase Nowell was chosen an Assistant, & tooke his oath.

M^r^ Symon Bradstreete was chosen an Assistant, & tooke his oath.

M^r^ Thom: Flint was chosen an Assistant, & tooke his oath.

M^r^ William Hibbens was chosen an Assistant, & tooke his oath.

M^r^ Samu: Symonds was chosen Assistant, & tooke his oath.

Capt̃ Robert Bridges was chosen an Assistant, & tooke his oath.

Harbert Pelham, Esq̃, was chosen an Assistant.

M^r^ Willi: Pinchon was chosen an Assistant.

John Endecot, Esq̃, was chosen Maior Gen^r^all.

Increase Nowell was chosen Secretary.

M^r^ Rich^r^d Russell was chosen Treasurer. 1648.

John Endecott, Esq^r^, was chosen one of the Com̄ission^rs^. 10 May.

M^r^ Symon Bradstreete was chosen the oth^r^ Com̄ission^r^.

Rich^r^d Bellingham & Thom: Dudly, Esqrs., were chosen for reserves, in case the com̄ission^rs^ faile.

It is ord^r^ed, that 50^t^ of the first mony w^ch^ comes into the country by way of rate or next levy, or else by the impost of wines, may be deliv^r^ed into the hands of the Treasurer & Survey^r^ Gen^r^, John Johnson, for y^e^ purchasing of powd^r^ therew^th^, by y^e^ first oportunity w^ch^ shall p̄sent.

Consid^r^ing many ships have here arived, upon w^ch^ occasion y^e^ powder for salutations was expended sooner then was expected, it is ordered, that the survey^r^ gen^r^all shall đđ to James Oliv^r^, of Boston, one barrell of powder, w^ch^ is to be implied in salutation of ships the yeare next following; p̄vided the powder be implied as aforesaid.

It is ord^r^ed, the coppy of y^e^ lawes in y^e^ 2 rowles, w^ch^ were (by ord^r^ of Co^r^te) sealed up, w^th^ intent that if hereafter any question should arise about y^e^ coppy now at y^e^ presse, it might be examined by this, whereby y^e^ faithfulnes of the com̄ittee might be tryed, & that y^e^ oth^r^ coppy (now remaining w^th^ M^r^ Hill) should forthw^th^ be sent for, for y^e^ use of y^e^ Co^r^te.

The Co^r^te doth thankfully acknowledg y^e^ great good service of o^r^ hono^r^[ed] Gov^r^, the last yeares service in that place, in the behalfe of the co[un]try rend^r^ him humble & harty thanks, & desire his love^s^ acceptan[ce] of an hundred marks, as a slend^r^ token of their acceptance of his care & paines in that place out of y^e^ next levy.

In answere to the petition of Capt̃ Rich^r^d Davenport, &c, Maior Sedgw[ick], Capt̃ Willi: Ting, Capt̃ Humfrey Atherton, & John Johnson, the survey^r^ [ge]n^r^all, are appointed a com̄ittee, & hereby are authorished & inabled to examine, determine, & dispose of all p̄sons, arreres, fines, & things as are w[ant]ing, as to any 3 of them seemes meete & convenient, & pow^r^ is hereby given to y^e^ said com̄ittee, or any 3 of them, to levy, by distres, any arreres or fines from such inhabitants of any of y^e^ said townes, from whom they are or shalbe due, or otherwise, & forthw^th^ to pay it to the said Capt̃ Davenport; & pow^r^ is hereby also given to y^e^ said com̄ittee to impresse men, for y^e^ supply of y^e^ garrison at y^e^ Castle Iland, out of y^e^ severall ingaged townes, & do whatsoev^r^ else, by vertue of y^e^ com̄ission granted to Leift̃ Norton, &c, might have bene done, or shall seeme to any 3 of them necessary to be done, in or about y^e^ p̄mises, w^ch^ is not already p̄vided for, till this Co^r^te take further order. Comittē for th: Castle.

For explanation & alteration of an ord^r^ renued y^e^ last Gen^r^all Co^r^te, for exempting o^r^ hono^r^ed ma^trats^ from country & towne rates, as in the *order 716–[*202.]

1648. appeareth, w^th respect to the time therein limited, that law is hereby repealed; & it is ordered & enacted, by the authority of this Co^rte, that all o^r hono^red magistrates that now are, or hereafter shall be, during the time of their so being, shalbe exempted from all towne & country rates, the maintenance to the ministry excepted, for all their estates, till the Co^rte shall take furth^r order.

10 May. Magist^r rate free, exc. church charges.

Upon the petition of the townes men of Newberry: Whereas there is a ^ in the towne, about the choyce of their captaine, for p̃venting of further debate in Co^rte, (w^ch will occasion expence of much p̃cious time,) & to help on a reconciliation between the now different parties of the towne, they are wiling to consent to a new election, as aforesaid, so as the towne shall elect two, of w^ch this Co^rte may alow one, when they shall thinke fit.

It is ordered, that William Arnold shall have payment of 7^t 2^s, w^ch he disbursed for 31½ bushels of Indian corne for Pumhome, &c, to be paid him in wampam, or such comodities as he desires, (or may be p̃cured at reasonable rates, such as he may not be looser by them,) out of the next country rate, by the Treasurer; & the Co^rte is thankfull to him for his care & paines herein.

Whereas a survey hath bene taken of all sorts of corne in all the towes in these p̃ts, it appeares that there is not sufficient for the necessary sustentation of the inhabitants for two months, & out of this there must be had for the use of strangers resorting to us, & victualing of ships, &c, it is therefore ordered, by authority of this Co^rte, that no wheate, rye, barly, or Indian corne shalbe transported into any forraigne parts, upon any p̃tence or colo^r whatsoev^r, before the 12^th of the 6^th m̃ next, (called August;) nor shall any p̃son sell or put aboard any ship or vessell, to the end the same should be transported to any forraigne p̃ts, any sort of corne aforementioned, upon paine of forfeiting for ev^ry bushell of corne so transported, put a board, or sould, contrary to the intent of this order, 20^s, one halfe to the publike tresury, & the other halfe to the informer; p̃vided, that this order shall not extend to any corne or graine w^ch, w^thin one month last past, was, or hereafter shalbe, brought into this iurisdiction, by way of marchandize, nor to any corne now in the hands of any p̃son, or his assignes, w^ch, by former contract, made here, or in England, or else where, bonâ fide, is to be deliv^red to any p̃son or vessell, to be transported; but that ev^ry such p̃son may transport all such corn, any thing in this order to the contrary notw^thstanding. This ord^r to be forthw^th published in Boston, Charles Towne, & so in all other townes of this iurisdiction.

717– No transportacõ of corne.

Nath: Newgat^s fine.

In consideration of Nathani: Newgate his youth, & the respect w^ch may be given to his well deserving parents, & in regard that he hath paid 10^s to the Indians who accused him, & 20^s he is to pay Franc̃ Smith, for his charges

spent in discov^ring the offence, the remainder of his fine is abated to forty shillings. 1648.

10 May.

The Co^rte, on a full hearing & examination of all the evidences in the case between Willi: Paine, of Ipswich, in an action of appeale, pł, against Capt Franc̃ Champernoone, defend^t, iudge & determine that Willi: Paine is legally possessed of the 4 oxen, & the execution on them was legally served; & therefore order, that Capt Champernoone should pay W^m Paine 4. 8. 6^d charges.

George Martins petition for the abatem^t of the 20^s w^ch his wife was fined is refered to the next Co^rte at Hampton, to do in it as they shall see cause. Martins wiues fine.

Whereas M^r Downings farme, in the way between Linn & Ipswich, is a convenient place for the releife of travellers, its ordered, that M^r Downings tenant shall have liberty to keepe an ordinary, his said tenant being such an one as the towne *of Salem shall approve for that impliment. [*203.]

Francis Smith, of Reading, hath leave to draw wine, for the refreshing of travelers & others, he paying excise, as the law *law* in that case hath ꝑvided.

Comission is given to M^r Symonds to administ^r the oath of Assistant to M^r Saltonstall, & to return it to the Secretary.

In answere to the petition of John Dand, the Co^rte conceive it meete (on his acknowledgment hereto annexed, w^ch if God had bene pleased to bow his spirit formerly, & have yeilded to, or volentarily made, as now he doth) that he should be freed from his imprisonment, & his fine is readily remitted him, to manifest the Co^rts ready inclination to shew all due incuragment to delinquents to confes their erro^rs, & acknowledg the iustice of the Co^rts ꝑceed^gs, rather then put any to such temptation as should eith^r dishono^r God or wound their owne consciences, by hardening of them selves in their evill courses. J^o Dand.

The Co^rte hath agreed that 3000 acres of land shalbe granted to M^r John Winthrop, Iunior, of the Pequot land, at Paquatuck, neere to the Narraganset country: ꝑvided, that if he set not up a considerable salt worke, — we meane to make one hundred tunn ꝑ @ of salt, between the two capes of Massachusets Bay, w^thin three yeares now next coming, — then this graunt to be voyde; ꝑvided also, that the said land fall w^thin the division of the part of the Pequod country belonging to this iurisdiction, ꝑvided y^e 3000 acres be layd out togeth^r in one place, & the form^r agreem^t w^th him in the countryes behalfe is hereby repealed. M^r J^o Winthropes grant. Salt work to be made in 3 years.

In answere to the request of M^r John Wilson, pasto^r of the church of Boston, & Edw^d Rawson, of Newberry, to whom this Co^rt form^rly granted 1500 acres in the Pequod country, the Co^rte doth thinke it meete to have their 1500 acres layd out next & adioyning to the 3000 acres granted to M^r Grant of land to M^r Wilson & M^r Rawson.

1648. John Winthrope, at Pacatuck, neer the Narraganset country, togeth^r also; or in case M^r Winthrop performe not the condition, w^th respect to the time limited, that then the 150[0] acres of the said John Wilson & Edw^d Rawson shalbe of the said 3000 acres granted to the said M^r John Winthrop.

10 May. M^r Rawsons grant repealed for 30^a. An^o (49). M^r Simond^s grant.

M^r Samu: Symonds is granted 500 acres of land in the Pequot country, next adioyning to M^r Wilson & M^r Rawson: ꝓvided it be of such land as falls to o^r ꝓportion.

Discouery of witch.

The Co^rte desire the course w^ch hath bene taken in England for discov^ry of witches, by watching them a certeine time. It is ord^red, that the best & surest way may forthw^th be put in practice, to begin this night if it may be, being the 18^th of the 3^d m̃, & that the husband may be confined to a private roome, & be also then watched.

718– Mines.

For due incuragment of any inhabitant that shall have or find any kind of mines whatsoev^r, in any of their owne ꝓprieties, this Co^rte thinke it meete to declare, that the whole benefit of such mines whatsoev^r are due & belong to such ꝓprieto^rs of land wherein such mines shalbe found, to them & their heires forever, as any part of their lands. mineries, ℓc̃, are, paying onely y^e $\frac{1}{5}$ p̃t of gold & silver, according to o^r patent, & no more.

George Dill, upon his owne & his wifes petition, is abated his forfeiture of 100^t, upon y^e payment of 8^t, in ready mony, to the surveyer gen^rall, or 2 barrels of powder.

[*204.] *M^r Samu: Dudley, Capt^n Wiggen, & Rob^rt Clements, have com̃ission to keepe Co^rte in that county, according to ord^r of Co^rte; & M^r Dudly hath com̃ission to give oath to the 3 com̃ission^rs for small causes in the sev^rall townes in the said county of Norfolke.

It is ordered, that the same magistrates that keepe Co^rte at Dover should be desired to keepe Co^rte at Salsberry & Hampton this yeare ensuing.

3 men for Rowle.

M^r Carleton, Franc̃ Parote, & Mathew Boyse, being lawfully chosen, by the freemen of Rowly, to end small causes according to law, are confirmed therein.

Phineas Fiske, of Wennam, is alowed licence to draw wine there for this yeare ensuing.

Edward Faulkner, of Andiver, is granted licence to sell wine there, paying to the treasury for what he drawes, as others do.

The Co^rte doth approve so farr of this bill, as if Hugh Gullison have his ꝓportionable p̃t out of the custome of wines, w^th W^m Philips, to the charge of the dyet expended by them, w^th relation to this Co^rte: ꝓvided the 50^t, granted for powder, be first deducted, the Co^rte conceiveing that iust.

Sam̃ Gorton.

The Courte did consent that Samu: Gorton, now a shipboard, upon the

request of the Earle of Warwick, hath one full weeke after the date hereof alowed him, for the transportation of himselfe & his goods through o^r^ iurisdiction, to the place of his dweling, he demeaning himselfe inoffencively, according to the contents of the said Earles letter; & that the marshall, or some other, be appointed to shew him a coppy of this order, or to fix it to the maine mast of the ship, in w^ch^ he is. 1648. 10 May.

The Co^r^te acquit Elisa: Pinnion of the capitall offence charged upon her by 2 sev^r^all inditments for adultery, but agree that shee be severely whiped for her evill & adulterous behavio^r^ & swearing, appearing by so many testimonies, first to be whiped at Boston, & again at Linn w^th^in one month after the first whiping is past. Eliz^th^ Pinnion.

Whereas Hugh Gullison, of Boston, was lately sued at a Quarter Co^r^te for 2 buts of wine, w^ch^ he had in his hand of Rob^r^t Knight, due to the country for customes of wines, & was cast in the action, & paid 11^t^ more then the said Rob^r^t Knight, m^r^chant, will alow him, its therefore ordered by the authority of this Co^r^te, that the said Hugh Gullison shall have the foresaid 11^t^ repaid him againe by the audito^r^ upon account, together w^th^ such charge as he was adiudged to pay by the Quarter Co^r^te; & the auditor shall have liberty to take a due co^r^se in law for the recov^r^y of the same of the foresaid Rob^r^t Knight.

It is ord^r^ed, that the sericant maiors of ev^r^y regim^t^ shall forthwith list all such ꝑsons for troopers (to be und^r^ their co̅maund) as shall willingly give in their names, to serve on horse back, who shall be bound five or six dayes of exercise every yeare, at such times & places as the maior or the leift̃ of the troop shall appoint, und^r^ y^e^ pœnalty of 5^s^ for every default, to be distrained by the clarke of the troope, who shall be sworne to levy all forfeits for non appearance & defects of armes, as the clarks of the foote companies are; & all troupers shall be furnished w^th^ horse, bridle, & saddle sufficient, w^th^ sword belt, & a case of pistols, w^th^ holst^rs^ or a carbine in a belt, (at the appointm^t^ of the maior, & to be alowed by him,) w^th^ one pound of powder & 20 bullets, or otherwise *to forfeite 10^s^ for every defect, unles the maior see cause to mitti[gate] or respit y^e^ fine; & it is also ordered, that all other defects or delinquenc[ies] of the troupers, in the time of their exercise & while they are under commaund, shall be punishable by the two cheife officers of the troupe, & distrained by the clarke, as they are in their foote companies; & no trouper once listed shall have liberty to w^th^draw himselfe from service w^th^out the alowance of the maior, but shalbe alwayes ready to attend all service, he shall be co̅maunded by authority; & for the incuragment of this service this Co^r^te doth grant to every trouper that is or shalbe furnished as is exꝑssed in 719– Troopers. [*205.]

1648. this order, 1. Exemption from training in all foote companies & cunstables watches ;

10 May. 2. Freedome from rates for ꝑson & horse ;

3. Free comonage for their horse in any of ye townes comons where he inhabits, & in any comon where they are exercised during the time of their exercise ; 4. Five shillings yearly, to be paid him by ye Treasurer ;

5. Liberty to choose a leiftenant & other inferiour officers ;

6. His horse shall not be pressed to any other service ;

7. Free ferriage to & from their places of exercise or service, wch shall be part of the rent of those ferries wch pay rent to the country ; but such as pay no rent shall be paid this rent by the country for the space of three yeares onely, except the Corte shall further confirme it.

720– Naponset ferrie. Upon certeine information given to this Genrall Corte that there is no ferry kept over Naponset Ryver, between Dorchestr & Braintree, whereby all that are to passe that way are forced to head the river, to the great preiudice of townes that are in those parts, & that there appeares no man that will keepe it, unlesse he may be accomodated wth house, land, & a boate, at the charge of the country, its therefore ordered, by the authority of this Corte, that Mr John Glover shall, & hereby hath full power given him, eithr to graunt it to any ꝑson or ꝑsons for the tearme of seaven yeares, so it be not any way chargable to the country, or else to take it himselfe, & his heires, as his owne inheritance forever ; ꝓvided, that it be kept in such a place, & at such a price, as may be most convenient for the country & pleasing to the Generall Courte.

50li to Mr Winslow. It is ordered by the whole Courte, that the Treasurer, Mr Russell, Capt Keayne, & James Penn shall take order to returne 50t to Mr Winslow, at London, & to have powr to engage the country for the same, & for such interest as they shall agree upon ; & the same to be satisfied out of the next rate, in such townes, & in such payment, (brought in by the said rate,) as themselves shall make choyce of ; & this is over & above the 50t formerly assigned him by Mr Treasurer.

Treasrr accos. 721– It is ordered by this Corte, that the auditor genrall & Capt Ting shall take the Treasurers account once evry yeare, & ꝑsent the same to this Corte the first session of the Courte of Elections yearely, & that they shall take the account of the ꝑsent Treasurer for the time past before the next session of this ꝑsent Corte, that so it may appeare, from time to time, what is in the treasury, or what we are indebted.

722– Comiss. of to send transcr to th: auditr. It is also ordered, that the comissionrs for the rates in every sheire shall, wthin one month after their sheire meeting, send into the auditor genrall a true transcript of the rates of the sevrall townes

1648.

wthin such sheire, who shall delivr them over to the Treasurer to be collect, as by the former order for that end established.

10 May.

[*206.]

Coīn for th: articles of confederacō.

*The Governor, Deputy Govrnr, Mr Bellingham, Mr Hibbens, Mr Symonds, Capt̃ Hathorne, Capt̃ Keayne, Capt̃ Atherton, the Surveyr Genrall, & Mr Jackson are appointed a coīittee to ioyne to ꝑuse the articles of or confederation wth the United Colonies, as also the acts that have passed the coīissionrs wch may seeme eithr to confound ye powr of or Genrall Corte, or so interfere wth it as may in a short time prove not onely ꝑiuditiall, but exceedingly uncomfortable, & in the examination thereof, what they shall find of that nature to take notice of it, & to draw up what remedies they can thinke of, wth such arguments as may be ꝑvalent wth all whom it may concerne to be as ready as orselues to rectify what is or shall be found amisse, that or posterity may have no cause to blame us for uniting orselues in such a way as is feared doth not now, nor is like to answere the ends of the colonies hereafter; & what the maior part of this coīittee shall determine, according to this order, to ꝑsent it by or coīissionrs to the rest of the commissionrs of the United Colonies, that so this Corte may receive a satisfactory answere from them accordingly, to the next session of this Genrall Corte, after the meeting of the coīissionrs; & farthr, this Corte refers Mr Eatons lettr to their considration, & give them powr to returne answere thereto; & the day of meeting to be the last 4th day of the 4th m̄ next.

Tomsons Iland.

Forasmuch as it appeares to this Corte, upon the petition of Mr John Thomson, sonn & heire of David Thomson, deceased, that the said David, in or about the yeare 1626, did take actuall possession of an iland in the Massachusets Bay, called Thomsons Iland, & being then vacuum domicilium, & before the patent granted to us of the Massachusets Bay, & did erect there the forme of an habitation, & dying soone after, leaving the petitionr an infant, who, so soone as he came to age, did make his claime formerly, & now againe, by his said petition, this Corte, considring the premises, & not wiling to deprive any of their lawfull right & possession, or to ꝑmit any ꝑiudice to come to the petitionr in the time of his non age, do hereby graunt the said iland, called Thomsons Iland, to the said John Thomson & his heires forever, to belong to this iurisdiction, & to be undr the govrnment & lawes thereof.

Edmond Rice, Edmond Goodenow, & Willi: Browne are appointed to end small causes in Sudbury. Mr Peter Noyce is to see people ioyne in marriage there.

Rebecca Hall, of Salsberry, is referred to Hampton Corte about the house & land sould by her.

It is ordered, that John Scot shall serve his mr so long time, when his time shall come forth, as shalbe well worth 35s, or satisfy his said mr, Laurence Southwick, otherwise.

1648. Upon the petition of the towne of Salsberry, the Co^rte conceive it meete that the little iland in Merrimack be reserved for the countryes use, & the greater iland to be given to the towne of Salsberry, reserving a sufficient high way for passage of men & cattle, & that the towne may have liberty to keepe a ferry on their side.

10 May. Iland gr: to Salsbury.

Comittee abt y^e lawes. M^r Audito^r & M^r Hill to examine the lawes now at presse, & to see if any materiall law be not put in or mentioned in the table as being of force, & to make supply of them.

In answere to the two petitions of Mary & Willi: Pond, we conceive that if administration be not already taken, that forthw^th it be, as also an inventory ꝑduced to the next Q^rter or County Co^rte, that so the estate may be settleed so as may be for the comfort & peace of the widow & children.

It is ordered, that Capt̃ Keayne shall have the 30^t he layd out to M^r Fenwick (w^ch upon examination we find to be due to him) out of the next country rate.

Gr. to J^o Ted for M^r Young. The Co^rte thinke it not convenient to alter the ordinary course of satisfaction for adventures, but that John Ted shall take his 100 acres in consid^ration of the adventure of M^r Rich^rd Yonge, where it may be layd out for reasonable conveniency, according to ord^r of this Co^rte.

722– Wines. For the better support of the goverment of this cōmonwealth, & the maintenance of fortifications for the ꝑtecting & safeguarding of o^r coastes & harbo^rs, for o^rselues & oth^rs that come to trade w^th us, it is ordered by this

[*207.] Co^rte, & the authority thereof, that ev^ry ꝑson, marchant, seaman, *or other, that shall bring wines into any of o^r harbo^rs, in any shipp or vessell whatsoev^r, (except they come directly from England, as their first port,) before they land any of the said wines, more or lesse, shall first make entry of as many butts, pipes, or other vessels, as they, or any of them, shall put on shore, by a note under their hands, delivered to the officer, at his house, who is to receive the customes, upon paine of forfeiture & confiscation of all such wines as are landed before such entry made, whatsoever found, the one halfe to the country, the other halfe to the officer; & the marchants, or owners of such wines of any kind, as soone as he lands them, shall deliver & pay unto the said officer what is due for custome of them, according to this order, in wine, according to the ꝓportion of the goodnes of the p̃cell that is brought in, as the officer & the owner can agree, to the contentm^t & satisfaction of the said officer, or else the owner & officer to nominate a third man, who shall put a finall price betweene them, in point of valuation of the wines for customes; but if they cannot agree, on notice from the officer to the Treasurer for the time being, he shall determine the price thereof; &, being so ordered, the officer & marchant shall accept thereof; & it is further ordered, that he that

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10 May.

is the cheife officer to receive such customes shall have under him a deputy or deputies, who shall be as searchers or waitrs in sevrall places, to take up such wines, by the cheife officers appointment, & to take notice of what is landed in any place, that the country be not defrauded; & these to have such due recompence as the cheife officer, in his discretion, shall agree wth them for, either by the butt or pipe, or by the yeare, all wines to pay customes according to these rates following, vizt: for evry but or pipe of Fyall wines, or any othr wines of those westerne ilands, five shillings; for every pipe of Medera wines, six shillings & eight pence; for evry pipe or butt of sherrys sack, Malego, or Canary wines, tenn shillings; for muskadels, malmsies, & othr wines from the Straights, ten shillings; for bastards tents, & allegants, tenn shillings, & proportionably for greater or lesser vessels of each kind; for every hogshead of French wines, 2. 6d, & ꝓportionably for greater or lesser vessels; & for better recovring of any such customes of wines, or forfeitures for not entering according to this order, & for refusing of paymt of such customes to the satisfaction of the officer, it is further ordred, that the said officer hath hereby power, & is required to go into all houses & cellers where he knoweth or suspecteth any wine to be, & from time to time shall seize upon such wines as are not entered according to this order, & also seize upon & take possession of so much wines as to make payment of what custome is due, according to entryes made, & is refused or neglected to be paid, in due manner, according to this order; & all cunstables & other officers are hereby required to assist & ayde the officer in the discharge of his duty, & helping to breake open the houses or cellers, if the owners of such wines shall refuse to open their dores, or delivr their keyes in a peaceable way; & any smith, carter, owner of boate, porter, or other, that shalbe required by the officer to put to their hand, to help & assist in taking, loading, & transporting such wines, for the use of the country, & shall refuse or neglect such service, for due huire, shall forfeit *to the cōmon treasury tenn shillings, to be levyed by the cunstable, on the warrant of any one magistrate; & all debts due unto the country for custome of wines, where wines are not to be found, they are to be recovered by way of action, according to a course of law, as in other cases; & this order to be in force to recover customes from all those that have landed wines in this iurisdiction already, & not paid custome. [*208.]

The Voyage, in Thirds, between Mr Wm Ting, Mr Vall: Hill, & Mr Thom: Gainer, in ye Plantr.

Debtr to goods shipt at Mederes, & charges pd, ...	721	3	07¼d	The shipp Planter.
To goods shipt at Maries, & charges, ...	115	17	8¼	

1648.	To goods shipt at Mighils, & charges,		019	14 6
	To goods shipt at Treceres, & charges,		ʏ038	16 7½
10 May.	To goods shipt at Fyall, & charges,		ʏ026	00 1¾
	To ꝑvision at sevrall places for sallery,		ʏ061	07 10¼
	To frait or huire of ship 11¾ m̃, 150t ꝑ m̃,		1762	10 00
	So much alowed Mr Gainer for ꝑsents,		0025	00 00
			2770	10 05
	Creditor, by sales & frait at Mede,		1051	16 8½
	Frait of Mr Davison,		ʏ0091	16 0
	By ffrait of Marca Letoon,		ʏ045	10 0
	By ffrait of Henry Rashly,		ʏ010	10 0
	By ballance of ye auditors acct, Mr Gainer to alow,		239	18 7¼
	By sales of goods at sevrall ports,		585	7 11¼
	By sales of goods at Xfers,		055	0 0
			2079	18 07
	Rests to balance,		0690	11 10
			2770	10 05

The Corte, consid^ring the accounts & differences betwixt Mr Gainr, Capt̃ Ting, & Mr Hill, concerning ye late voyage of ye ship Planter, do conceive this acct, agreeg wth an acct under 4 auditors hands herewth, may be alowed, wth these additions, viz^s :—

That ye p̃tnrs be allowed, for imꝑvemt of p̃t of ye cargo, layd out for ye ship, &c, & lose of time,	500t	00 00
Item, to ye said p̃tnrs one pipe of wine more then is mentioned in the account,	ʏ009	00 00
It̃, they are to receive of Paul Alistry,	ʏ004	07 6
It̃, the ships compa is to alow for 3 pipes of wine, not delivred out of the ship,	ʏ027	00 00

Further, it is conceived equall when Mr Richbell & Mr Rashly have their wines đđ to them, that then all ye wines, linnen, cloth, & ye rest of ye cargo, togethr wth ye frait, recd & to be recd, & not alowed in this acct, shalbe devided in equall portions amongst ye said ffraightrs.

The Corte hath voted that Capt̃ Ting & Mr Hill shall beare forty shillings of the charge of the Corte, while the case hath bene in hearing.

The Corte doth also conceive, that Mr John Richbell & Mr Henry Rashly should forthwth have đđ to them 18 full pipes of wine, of those that were

engaged to them by Mr Gainer, vizt, Mr Richbell is to have 12, & Mr Rashly 6 pipes. 1648.

It is ordered by this Corte, that what fraight Mr Richbell & Mr Rashly shall pay to Mr Ting or Mr Hill, they shalbe discharged against Mr Gainer. 10 May.

The Corte is adiourned to the 18th of the 8th m, at noone.

At a Session of the Genrall Corte, at Boston, the 18th of the 8th M°, 1648. 18 October. [*209.]

UPON the petition of the shewmakers of Boston, & upon consideration of the complaints wch have bene made of the damage wch the country sustaines by occasion of bad ware made by some of that trade, for redresse hereof, it is ordered, & the Corte doth hereby grant liberty & power to Richrd Webbe, James Everell, Robrt Turner, Edmond Jackson, & the rest of the shewmakers inhabiting, & housekeepers, in the towne of Boston, or the greater number of them, (upon due notice given to the rest,) to assemble & meete togethr in Boston, at such time & times as they shall appoint; who being so assembled, they, or the greater number of them, shall have power to choose a master & two wardens, wth foure or six associats, a clarke, a sealer, a searcher, & a beadle, wth such other officers as they shall find necessary; & these officers & ministrs shall be chosen as aforesaid evry yeare, or oftner, in case of death, or departure out of the iurisdiction, or removeall for default, &c; wch officrs & ministrs shall each of them take an oath, suitable to his place, before the Govrnor, or one of the magistrates, the same being ꝑscribed or alowed by this Corte; & the said shewmakrs, so assembled as before, or at any othr meeting or assembly, to be appointed from time to time, by the mr & wardens, or the mr, or wardens, wth two of the associats, shall have powr to make ordrs for the well governing of their company, in the managing of their trade, & all the affaires thereunto belonging, & to change & reforme the same as occasion shall require, & to annex reasonable pœnalties for breach of the same: provided, that none of their said orders, nor any alteration therein, shall be of force before they shall have bene ꝑused & alowed by the Corte of that county, or by the Corte of Assistants; and for the better executing of such orders, the said mr, wardens, or any two of them, wth four or six associats, or any three of them, shall have power to heare & determine all offences against any of their said ordrs, & may inflict the pœnalties ꝑscribed as aforesaid, & assease fines to the value of forty shillings, or under, for one offence, & the clarke shall give warrant in writing to the beadle, to levy the same, who shall 723– Shoomakers incorporate.

1648. 18 October. have powr thereupon to levy the same by distresse, as is used in other cases; and all the said fines & forfeitures shall be implied to the benefit of the said company of shewmakers in genrall, & to no other use; & upon complaint of the said mr & wardens, or their atturny or advocate, in the County Corte, of any pson or psons, who shall use the arte or trade of a shewmaker, or any pt thereof, not being appved by the officers of the said shewmakers, to be a sufficient workman, the said Corte shall have powr to send for such psons, & [*210.] suppresse them; *provided, that the priority of their graunt shall not give them precedency of other companies that may hereafter be granted; but that point to be determined by this Corte, when there shalbe occasion thereof; provided alwayes, that no unlawfull combination be made at any time, by the said company of shewmakers, for inhauncing the prices of shewes, bootes, or wages, whereby either their owne people or strangers may suffer; provided also, that in cases of difficulty, the said officers & associats do not pceed to determine the cause, but wth the advice of the iudges of that county; provided, that no shewmaker shall refuse to make shewes for any inhabitant, at reasonable rates, of their owne leather, for the use of themselues & families onely, if they be required thereunto.

Provided, lastly, that if any pson shall find himselfe greived, by excessive fines, or other illegall pceedings of the said officers, he may complaine thereof at the next Corte of that county, who may heare & determine the cause; this comission to continue & be of force for three yeares, & no longer, except this Courte shall see cause to continue the same.

724– Coopers incorporate. Upon the petition of the cowpers, inhabiting in Boston & Charlstowne, & upon consideration of many complaintes made of the greate damage the country hath sustained by occasion of defective & insufficient caske, for redresse hereof, —

It is ordered, & the Corte doth hereby graunt liberty & power to Thomas Venner, John Mileham, Samuell Bidfeild, James Mattuck, Willi: Cutter, Bartholo: Barlow, & the rest of the cowpers of Boston & Charlestowne, or the greater number of them, (upon due notice given to the rest,) to meete together, & to appoint a certeine time & place, to wch they shall call together all the cowpers, being housekeepers, & inhabiting wthin this iurisdiction, who being so assembled, they, or the greater number of them, shall have power to choose a mr & two wardens, foure or six ass , a clarke, a gager, a sealer, a packer, a searcher, & a beadle, wth such other officers as they shall find necessary, & these officers & ministers shalbe chosen, as aforesaid, every yeare, or oftner, in case of death, or departure out of the iurisdiction, or removeall for default, &c; wch officers & ministers shall, each of them, take an oath,

suitable to his place, before the Governo^r, or some of the magistrats, the same being ꝑscribed, or alowed, by this Co^rte; & the said cowpers, so assembled, as before, or at any other meeting or assembly, to be appointed from time to time, by the m^r and wardens, or the m^r or wardens, w^th two of the associats, shall have power to make orders for the well ordering of their company, in the managing of their trade, & all the affaires thereunto belonging, & to change & reforme the same, as occasion shall require, & to annex reasonable pœnantyes for breach of the same: 1648. 18 October.

Provided, that none of their said orders, nor any alteration therein, shalbe in force before they shall have bene ꝑused & alowed by the Co^rte of that county where they shall be made, or by the Co^rte of Assistants.

*And for the better executing of such orders, the said m^r, wardens, or any two of them, w^th four or six associats, or any three of them, shall have power to heare & determine all offences against any of their said orders, & may inflict the pœnalties ꝑscribed as aforesaid, & assease fines to the value of forty shillings or under for one offence; & the clarke shall give warrant in writing to the beadle to levy the same, who shall have power thereupon to levy the same by distresse, as is used in other cases; and all the said fines & forfeitures shall be implied to the benefit of the said company of cowpers, & to no other use; and upon complaint of the said m^r & wardens, or their atturny or advocate, in the County Co^rte, of any ꝑson or ꝑsons who shall use the arte or trade of a cowper, or any p̃t thereof, not being ap̃ved by the officers of the said cowpers to be a sufficient workman, the said Co^rte shall have power to send for such ꝑsons, & suppresse them. Provided, alwayes, that no unlawfull combination be made at any time by the said company of cowpers for inhancing the prices of caske or wages, whereby either our owne people or strangers may suffer. ꝑvided, also, that in cases of difficulty the said officers and associats do not ꝑceed to determine the cause but w^th the advice of the iudges of that county, where the said cause doth first arise. [*211.]

Provided, that the priority of their grant shall not give them precedency of other companies that may hereafter be granted, but that point to be determined by this Co^rte when the[re] shalbe occasion thereof.

Provided, lastly, that if any ꝑson shall find himselfe greived [by] excessive fines or other illegall ꝑceedings of the said officers, he may complaine thereof at the next Co^rte of the county, who may heare & determine the cause.

This com̃ission to continue & be of force for the space of three yeares, & no longer, except this Courte shall see cause to continue the same.

Whereas the keeping of sheope tends much to the benefit of the coun- 725-

1648. 18 October. Sheepe.

try, & may make a good supply in short time towards the cloathing thereof if they were carefully preserved, and for as much as all places are not fit [or] convenient for that end, it is therefore ordered, that [hence]forth it shall be lawfull for any man to keepe sheope in [any] comon, be it for cowes, oxen, &c, belonging to the towne where he lives, or where at that time he may have right [to] comon, & that wthout any limitation in comons not stinted; & in such comons that are stinted it shall be lawfull for any inhabitant to keepe any or all his ꝑpor[tion] in sheope, accounting five sheope to one great beast; and it is further ordered, that if any ꝑson shall co[urse] wth a dog, or otherwise molest such sheope by driving *from their feeding, he shall pay five shillings for evry offence, besides double damages; & if any dog shall kill any sheope, the owner shall either hang his dog forthwith or pay double damages for the sheope; if the dog hath bene seene to course or bite any sheope before, not being set on, & his owner hath had notice thereof, then he shall both hang his dog & pay for the sheope; if in such case he refuse to hang his dog, then the cunstable of the said towne shall forthwith cause it to be done.

[*212.]

Hingam

Upon the petition of the souldiers of Hingham, it is ordered, that Bozoon Allen shall be leiftenant there, & Josua Hubbert ensigne.

Upon the petition of Robert Engals for recompence for his fathers death, wch he saith was by the insufficiency of Linn bridge, the Corte doth order, that a warrant be sent to the marshall of Salem to warne an able iury (none of them to be of Linn) to inquire of the death of the said Engals, & to certify to the next Corte of Assistants, &c; the iury to be sworne by Capt Bridges.

726– Woolues.

It is ordered, & by the authority of this Courte enacted, that every inhabitant, English or Indian, within this iurisdiction, that shall kill any wolfe or wolues, makeing good ꝑufe to the cunstables of the towne where such wolfe is killed, bringing of their heads, wch the cunstable is to bury, if any English shall kill any, he shall be alowed thirty shillings at the least by the cunstable of such townes for the time being, ten shilling whereof the Treasurer, in the next levy that issues out of that towne to the country, he shall alow to the cunstable; & for every Indian that shall kill any wolfe shall be alowed twenty shillings, ten shillings whereof shalbe alowed by the Treasurer, as before, back againe to the cunstable, as aforesaid.

This law to be of force for foure yeares.

727– Hounds.

It is ordered, that the select men of every towne shall & hereby have power given them to purchase or ꝑcure of the townes stock so many hounds as they thinke meete, & to impose the keeping of them on such as they thinke fitest, that so all meanes may be imꝑved for the destruction of wolves, and

that no other dogs shall be kept in any towne but such as the select men shall see meete: no magistrat^e^ is to have any hound imposed upon him, nor any dog taken from him, without his consent. 1648. 18 October.

*This Courte, being informed of great misdemeano^r^ co̅mitted by Edward Starbuck, of Dover, w^th^ ꝑfession of Anabaptistry, &c, for w^ch^ he is to be ꝓceeded against at the next Co^r^te of Assistants, if evidence cann be ꝑpared by that time, & it being very farr for witnesses to travell to Boston, at that season of the yeare, — [*213.] Ed: Starbuck for Anabap^t^.

It is therefore ordered by this Courte, that the Secretary shall give co̅mission to Capt̃ Thomas Wiggen & M^r^ George Smith to send for such persons as they shall have notice to be able to testify in the said cause, & to take their testimonies upon oath, & certify the same to the Secretary so soone as may be, that further ꝓceeding may be therein, as the cause shall require.

Whereas there hath bene lately a petition prefered to this Co^r^te by the vintners of Boston & Charles Towne, wherein they exꝑssed their desires for an abatement upon the imposition of the Courte layd upon such as sell wine by retayle in Charles Towne & Boston aforesaid, or else that they may come to a composition for what they shall so sell, the Courte, upon debate amongst themselues, & conference had with the petitioners, have concluded & agreed as followeth: that whatsoever is due to the country from them, or any or either of them, for seling of wine, or licenses so to do, unto this day, shall be duely paid, & full satisfaction made; and for the future, we further make this agreement & composition w^th^ all the vintners now licensed: they shall pay, from yeare to yeare, for their licenses & liberties to sell wine, & imposition layd thereof, the full su̅me of one hundred & sixty pound ꝑ annum, currant pay, to be paid by the vintners aforesaid unto the Treasurer for the time being, the one halfe at the expiration of six months next ensuing, & the other halfe at a yeares end, & so to continue the payment of the aforesaid su̅me of 160^li^ in the forme before expressed, for the tearme of five yeares now next following, they seling wines at such rates as they are now sould for. Also, its further ordered, that no ꝑson or ꝑsons whatsoever, inhabiting w^th^in the townes above mentioned, shall from henceforth have any liberty to sell any wine by retaile: but such as are already licensed, untill the tearme of five yeares be expired, the said vintners shall give bond to the Treasurer, wherein they shalbe bound, ioyntly & severally, for the true ꝑayment of the 160^li^ yearely, according to the said order of composition; & Capt̃ Keayne & James *Penn are chosen a co̅mittee to confirme o^r^ graunt to the vintn^rs^, after the Co^r^te is broken up, if need of any further & more be desired. Dated 27^th^ 8^th^ m̊, 1648. 728– Vintners. [*214.]

Whereas a composition hath bene made between this ꝑsent Co^r^te & the

1648. 18 October. vintn^rs licensed to retaile wines in the townes of Boston & Charles Towne, for five yeares to come, by w^ch the said vintners are to pay yearely to the treasury one hundred & sixty pound, as by the order of composition appeares, —

Now, for the better enabling of the said vintn^rs to pay the said composition, & that neither they nor the country may be wronged by other persons retailing wines without license, or any satisfaction to the publike, —

It is ordered by this Co^rte, that, for the better recovery of the pœnalty imposed upon such offenders by the former lawe, & for the better discovery of the same, it shall be lawfull to the said vintners of Boston & Charles Towne to choose two meete ꝑsons, one for Boston & the other for Charles Towne, who, being alowed under the hand of any two of the magistrates, shall have power from time to time to enter into the houses of all such ꝑsons in the said townes as they shall suspect to retayle wines contrary to lawe, & to warne such ꝑsons as they shall find there drinking, or lately to have drunke wine there, to go forthw^th before some ma^trate, to be examined upon oath concerning the same, & upon due testimony, such ma^trate shall send for the ꝑson so found to have retailed any wine, & bind him over (w^th sureties, if he see cause) to the next Co^rte, there to be ꝓceeded w^th according to lawe, &, being found guilty, the said pœnalty of five pound, by law appointed, shall forthwith be levyed, without any remission or mittigation. And upon information given to any ma^trate at any time, by either of the said ꝑsons so alowed to search, or by any of the said vintn^rs, of any ꝑsons so retailing wine, contrary to law, & of any persons who are supposed to be able to testify thereof, such ma^trate shall send for such ꝑson & witnesses, & ꝓceed therein, as before.

Rates of corne. It is ordered, that all sorts of corne which shall be paid in the country rate shalbe paid at these rates & prizes following, videlicet: wheate and barly at five shillings ꝑ bushell; rye & pease at foure shillings ꝑ bushell; Indian at three shillings ꝑ bushell. This order shall not concerne the prizes of any corne other then what is paid in for rates.

[*215.] M^rs Hall. *Whereas M^rs Rebecca Hall, of Salsberry, ꝓferred a petition to this hono^red Co^rte, for the confirmation of the sale of some lands left her by her husband, deceased, & this hono^red Co^rte refered the answere thereof to the Co^rte at Hampton, w^ch she being ignorant of, & therefore nothing was done, humbly desires that the answere to her former petition may be answered at the next Co^rte at Salsberry.

Ed: Mores pet. granted ab^t M^r. Jn^o Lowles. Upon the petition of Edmond Mores, that this Co^rte would be pleased (on the condition of the paym^t of the sum̄e agreed upon to the executo^rs & overseers of John Lowle, deceased, or such of them as the Co^rte shall approve, as guardions to the children, the inheritance of the said lands sould him, w^th

liberties mentioned in the sale) to confirme to them, w^ch^ petition the Co^r^te doth graunt. 1648.

18 October.

A question arising about the interpretation of a clause in a law, made 42, about tryall of actions, &c, viz^s^, whether a ꝑsonall action, as for battery, &c, ariseing upon an act comited in England, & the parties come both into this iurisdiction, whether, by law, we are barred from trying the action of battery in this iurisdiction, the Co^r^te hath voted that we are not barred by that lawe, because a personall action followeth the ꝑson, & from the ꝑson onely the cause of the action ariseth. 729– Accō in forr. parts. P^r^sonall accons follow y^e^ p^r^son, & may be trjed where y^e^ p^r^son is.

The Answere of the Co^r^te concerning Cambridge Petition, & the Castle.

The last order of Co^r^te, concerning the Castle, about three yeares since, appointed a garrison of twenty men in sum̄er & tenn men in winter, besides the captaine & gunner, w^ch^ charges amounteth to two hundred & eighty pounds ꝑ @, at eighty pound sallery for the capt̃ & gunner, & twelue pound ꝑ @ for the souldiers; one hundred & fiftye to be paid by the country, the remainder by the five townes, viz^s^, Boston, fifty-two pounds; Roxberry, fifteen pound twelue shillings; Dorchester, twenty pound; Cambridge, twenty pounds; Charles Towne, twenty pound: but we are informed, that by reason of the small alowance to souldiers, the Castle hath seldome or never bene supplied w^th^ the full number before mentioned, & many times w^th^ unmeete & unserviceable men, &, however the townes are willing to continue the former contributions, according *to their ꝓportions, yet are not able to supply men, according to their first undertaking, without inlarging their contributions, w^ch^ would be too heavy a burthen, at least to some of them; we therefore thinke that a garrison of tenn men a weeke, from the 10^th^ of the 2^d^ month till the 10^th^ of the 8^th^ month, & six men a weeke in the other six months, may be sufficient; ꝓvided, that upon an alarum given by the Castle, viz^s^, by shooting of two great guns, & fireing a beacon, & hoysing & lowering the flag, or any two of the said signes, the councell of the com̄on wealth, or in their absence the Govern^r^, or any ma^trate^, or in their absence the cheife millitary officer then in Boston, shall forthw^th^ send forty men, sufficiently armed, &c, for defence of the said Castle, till further order be taken. And to the end that the Castle may be constantly furnished w^th^ the aforesaid garrison of ten men in the sum̄er & six men in the wint^r^, we thinke meete that every souldier shall have alowed him eight shillings a weeke, & such as cannot be huired by the captaine of the Castle, for the said alowance of 8^s^ ꝑ weeke, he, the said captaine, shall have power, by warrant from the Governo^r^ for the time being, or any two ma^trats^, to presse meete men for the aforesaid service, & the capt̃ 730– Castle. [*216.]

1648. 18 October. shall take care to employ the said souldiers foure houres in a day, either in repairing or ading to the fortification of the said iland, as in his discretion he shall thinke meete.

And whereas there wilbe in this way about forty pound p @ charges lessened, we conceive it meete that Cambridge shalbe abated five pound sixteen shillings p @, Roxberry twenty-foure bushels of Indian corne, the country to have the benefit of the rest, w^ch will be neere thirty pound p @, the other three townes continuing their former contributions.

731– Militarie officers encour. [*217.] The Co^rte doth thinke that the millitary officers & souldiers should have all due incuragment in the pformance of their offices & services, as well as some relaxations of their paines & charges, & therefore have agreed that the regiment under Maior Gibons shall meete & exercise together the next *yeare, that under Maior Sedgwick the next yeare after, & that regiment under Maior Denison the third yeare, so that every yeare one regiment onely shall so meete & exercise together, & that every yeare, that regiment that shall so meete & exercise, the maior thereof for the time being shall have twenty pound alowed him out of the treasury, to defray his charges.

732– Lin. bridge. Upon the petition of Linn, for an yearly contribution toward their bridge, the Court doth consent to alow them thirty shillings p @ towards the maintenance of it.

Way frō Redd. to Winesemet. Upon the petition of Mistick side men, it is ordered, that Thomas Line, Iunior, & M^r Joseph Hill shall be ioyned w^th the former comittee to take a new survey of the most convenient place for the way from Reding to Winnetsemet, & to make certificate of their apphensions thereabout.

Upon the petition of Capt Rob^rt Keayne, M^r Rich^rd Browne, & M^r Rich^rd Parker, for power to veiw & lay out their severall pportions of land, & according as their lotts fell, in some place w^thout the bounds of Dedham line, if it be there to be had, & Edward Jackson, w^th some other surveyer that they can get, to lay out the same.

Grant to Capt Kaine, &c. The lands formerly granted to Capt Keayne, (for himselfe & those whose lands he purchased,) M^r Rich: Browne, M^r Parker, Willi: Denison, Willi: Parke, & John Johnson, are ordered to be layd out in the place whereabouts the bridge should be built, over Ipswich Ryver, between Andover & Reding, they offering, at their owne charge, psently to build the bridge, if no farmes be layd out thereupon already; if there should, the country should be freed, & the own^rs of the land should be lyable to build the bridge.

G^r to M^r Pelham, &c, an^o 1659. Vide lib. 3^d, p^a 308. Upon the petition of Harbert Pelham, Esq, he haveing put in fifty pound adventure in the comon stocke, & M^r Walgrave as much, the Co^rte doth grant

Mr Pelham 400 acres of land for himselfe, & 400 acres for the heires or assignes of Mr Thom: Walgrave. 1648.

Upon the petition of Boston, for two faires in the yeare, they are granted them, the one to be the first third day of the third month, & the other the first third day of the 8th month, to continue for two or three dayes together. 18 October. 733– Fayres at B.

To the petition of Mrs Elisa: Cole it is answered, *this petitioner haveing received a satisfactory answere, upon her former petition, for the restoreing her said deed to its due force & efficacy, wch her selfe acknowledgeth, this Corte hath no more to do, especially the petitionr not haveing used any indeavor to reape the benefit of the said order, by ꝑsecuting upon her said deed, as shee ought & pretended to do; & whereas she ꝑtends the absence of her brother, Franc̃ Doughty, &c, this Corte will indeavor to ꝓcure his returne to Boston, to answere her, &c, if she will put in good security to pay such charges & damages as shall be iudged against her, if the cause, upon hearing, shall passe against her. [*218.] Mrs Cole.

Whereas it is found by experience, that a greate quantity of wine is spent, & much thereof abused to excesse of drinking & unto drunkennes it selfe, notwthstanding all the hoalsome lawes ꝓvided & published for the ꝑventing thereof, wch tendeth much to the dishonor of God, the discredit of the gospell, to the shame of the country, & much offencive to all godly people amongst orselues, & such as are in confederation wth us, & much to be feared, if not speedily ꝑvented, it will bring some stroake of Gods heavy hand upon us, it is therefore ordered, that if any ꝑson, who is by this Corte alowed to sell wine or beere, shall, from this time forward, conceale in his house any ꝑson that shall be found drunken, & shall not forthwth ꝓcure a cunstable, whereby such a drunken ꝑson may be brought before some matrate, to the end he may receive condigne punishmt, in the interim the said vintner or drawer of beere to stay the ꝑson untill the cunstable shall come; & in case the vintner or drawer of beere shall not forthwith attend the execution of this order, he shall forfeit to the use of the country five pound for every such default. And hereby it is declared that the power of each matrate is further ratified, & their utmost care therein is further desired, that as oft as they see meete, to cōmaund a cunstable to accompany them, by day or by night, to enter into any taverne or victualing house to search out any such disorders as aforesaid, & finding any such ꝑson or *or* ꝑsons, to imprison them, or put them into the stocks, according as he shall see cause. 734– Drunknes. Vintners & victuailers.

Upon the petition of Stephen Fosditch, that his land may be disingaged five pounds, being otherwise well satisfied, wch is granted. St: Fosditch.

*Upon the petition of Dedham for Eleazer Lusher to be their captaine, [*219.]

1648. Josua Fisher their leiftenant, & Henry Philips their ensigne, their petition is granted.

18 October. Toppsfeild. The village at the newe medowes at Ipswich is named Toppesfeild.

Ro: Saltonst: In answere to the petition of Mr Robt Saltonstall, he is at liberty to sue for his land as he desires, & if Dover men, &c, have damnified him, he may sue for recompence; for except he had mentioned the order of this Corte in his ꝑiudice we cannot take notice of any.

For the writing he speaks of in David Sellicks hand, if he will not ꝓduce it, the petitionr may compell him to it by course of law; & when it is ꝓduced, this Corte will consider of it.

Dorchester. Upon the petition of Dorchester, for some iland insteed of Tompsons Iland, the Corte is wiling to answer their petition when the towne ꝑsents that wch is fit to be given.

735– Upon the petition of Mr Eliot, the Corte agreed & ordered, that none in

Wine to Indꝭ. Boston shall sell wine to the Indians but Willi: Philips, upon paine of twenty shillings for every offence, to be heard & determined by any matrate, as in the case of drunkennes.

Thomas Underwood, the deputy of Hingham, in considration of his urgent occasions, is dismissed.

Upon the request of the towne of Wooburne, Leift Johnson is appointed to see people ioyne in marriage, for one yeare.

Upon the request of the inhabitants of Andover, Math: Boyse, of Rowly, [Henry] Shorte, of Newberry, Ensigne Howlet, of Ipswich, & John Osgood, of Andover, these, or any three of them, to set out the high wayes, from Andover to Newberry, from Andover to Rowly, & from Andover to Ipswich.

W: Arnold. Willi: Arnold, upon his severall bils, & for his owne charges, is alowed eight pound seaventeen shillings & three pence, as ꝑ ꝑticulers appeareth.

It is ordered, that John Webster should have order to the marshall to demaund, & if not satisfied to levy, five pound four shillings of the inhabitants of Pascataq Ryver.

M: Oliuer. Upon the petition of Mary Oliver, the wife of Thom: Olivr, the Corte is not willing to remit the fine of tenn pound, but would take some good tryall of her upon her ꝑsent submission & ꝑmise, & therefore is willing that her fine be respited for the levying of it, untill this Corte shall give further order therein.

No shooting on L. day. The mr of the Dutch ship made four shot in or harbor, the last Lords day, after sunn set, whereby he hath forfeted forty shillings ꝑ shott; but in regard he is a stranger, & no man in his ship can speake Inglish, nor any course hath formerly, or now was taken, to give him notice of the law, the

Co^rte thinke fit that the pœnalty for the p̃sent offence be remitted to forty shillings, & some course taken for giveing notice to strangers of the said order, & other of like kind, hereafter. 1648. 18 October.

It is ordered, that the audito^r should signe the bill of charges of fourteen pound sixteen shillings & eleven pence, to be paid by the Treasurer out of the country rate.

*Upon the petition of John Hayden, the Co^rte voted, he should have five pound given him by the country, to be paid by the audito^r gen^rall, out of the revenues that comes to us for the imposition of wines. [*220.]

Upon the petition of Rachell Levins, that the p̃cell of land sould by her husband, John Levins, to Martin Stebbin, & by Martin Stebbin to Rich^rd Gardner, & no writing, may be confirmed to the said Martin & Rich: Gardner, & his heires, w^ch is granted. M: Stebbin^s confirmacō.

Upon the petition of John Endecot, Esq̃, for the 550 ac̃ of land granted unto him, & 250 ac̃ granted Capt̃ W^m Hathorne, & 250 acres granted Capt̃ Traske, may be layd out by order of this Co^rte. M^r Endicots & oth^r grant.

It is ord^red, that the three lots above mentioned shalbe layd out by Leift̃ Walker & Serieant Marshall, of Reding.

Upon the petition of Christopher Clarke, his fine, for shooting in the night, is remitted.

For the better carriing on the occasions of the Generall Co^rte, & to the end that the records of the same, together w^th what shall be p̃sented by way of petition, &c̃, or passes by way of vote, either amongst the magistrates or deputies, may hereafter be more exactly recorded, & kept for publike use, — 736–

It is hereby ordered, that as there is a secretary amongst the magistrates, (who is the gen^rall officer of the com̃on wealth, for the keeping the publike records of the same,) so there shall be a clarke amongst the deputies, to be chosen by them, from time to time; that (by the Co^rte of Elections, and then the officers to begin their entryes, & their recompence accordingly) there be provided, by the audito^r, four large paper books, in folio, bound up with velum & pastboard, two whereof to be delivered to the secretary, & two to the clarke of the House of Deputies, one to be a iournall to each of them, the other for the faire entry of all lawes, acts, & orders, &c̃, that shall passe the magistrates & deputies, that of the secretaries to be the publike record of the country, that of the clarkes to be a booke onely of coppies. Secr. & clerk for Gen^r Cor^t.

That the secretary & clarke for the deputies shall breifly enter into their iournals, respectively, the titles of all bills, orders, lawes, petitions, &c̃, w^ch shalbe p̃sented & read amongst them, what are referd to com̃ittees, & what are voted negatively or affirmatively, & so for *any addition or alteration. [*221.]

1648.

18 October.

That all bills, lawes, petitions, &c, w^ch^ shalbe last concluded amongst the magistrats, shall remaine w^th^ the Governer till the latter end of that sessions, & such as are last assented to by the deputies shall remaine w^th^ the speaker till the said time, when the whole Co^rte^ shall meete together, or a comittee of magistrates & deputies, to consider what hath passed that sessions, where the secretary & clarke shall be psent, & by their iournals call for such bils, &c, as hath passed eith^r^ house, & such as shall appeare to have passed the magistrates & deputies shall be delivered to the secretary to record, who shall record the same w^th^in one month after every sessions, w^ch^ being done, the clarke of the deputies shall have liberty, for one month after, to transcribe the same into his booke; & such bills, orders, &c, that hath onely passed the magistrates, shall be deliv^r^ed to the secretary to keepe upon file, & such as have onely passed the deputies shalbe delivered to their clarke to be kept upon file, in like manner, or otherwise disposed of, as the whole Co^rte^ shall appoint; that all lawes, orders, & acts of Co^rte^, contained in the ould bookes, that are of force, & not ordered to be printed, be transcribed in some alphabeticall or methodicall way, by direction of some comittee that this Co^rte^ shall please to appoint, & deliv^r^ed to the secretary to record in the first place, in the said booke of records, & then the acts of the other sessions in order accordingly, & a coppy of all to be transcribed by the clarke of the deputies, as aforesaid.

Written lawes.

That the secretary be alowed, for his paines, twenty marke p^r^ @, & the clarke of the deputies ten pound p^r^ @, to be paid out of the treasury, till the Co^rte^ shall appoint their recompence by fees, or otherwise.

Fees.

27^th^ 8^m^, *M.*

27 October.

Forasmuch as, upon expience, we find some inconveniences that arise in geting in & gathering up the customs of wine as it hath hitherto bene carried on, & that we are willing to avoyde offence as much as may be, the Co^rte^, upon some debate, hath agreed, upon that consideration of the sume of one hundred & twenty pound p^r^ @ that is to be given by Maior Sedgwick & M^r^ Russell, the custome of wines shalbe confirmed to them, & power given unto them for recovery of the same, w^ch^ said 120^li^ p^r^ @ shalbe paid to the capt and garrison at the Castle as a p^r^ of that w^ch^ the country is ingaged to pay unto them. This they are to have the tearme of foure yeares.

Impost of wine duties.

1647—

Upon the petition of the inhabitants of Linn, the Co^rte^ doth returne this answere: it doth conceive, according to that *w^ch^ the lawe interprets, that by publike rates, taxes, &c, are ment rates, levies, or asseasm^ts^ of the comon wealth, & not of towne or church.

Lin.

[*232.]

1648—

It is ordered, that the Treasurer for the time being shall, from time to

Castle

time, pay unto the capt̃, gunner, & souldiers of the Castle their severall pensions due unto them at the day of payment out of the first rates that shall come into the treasury, & before any oth^r debts shalbe satisfied. 1648. 27 October. Wid. Bayle. Edny.

In answere to the petition of Edury Bayly, widow, the Co^rte doth conceive, that it wilbe most agreeable to the will of Bayly, & for an equall co^rse between the widow Bayly & her child or children, that the forty six pound be satisfied as a debt to the child, & that the rest of the estate be disposed, $\frac{1}{3}$ to the mother & the oth^r $\frac{2}{3}$ to the child, to remaine in the moth^rs hands for the education of the child untill it come to 21, but the childs two p̃ts of the remaining estate to be to the child at 14, & the mother to give security for p̃formance hereof; p̃vided, that the petition^r shall give in security to Halsteeds executo^rs to be accountable for the said 46^t̃ given to the w^thin mentioned Joseph Bayly.

It is voted, for tryall untill the next Co^rte, that all passable or payable peage henceforth shalbe intire, w^thout breaches, both the white & black, w^thout deforming spots, sutably strung in eight knowne p̃cels — the peny, 3^d, 12^d, 5^s, in white; the 2^d, 6^d, $2\frac{1}{2}^s$, & 10^s, in black. Peage.

The Co^rte, haveing taken into their serious consid^ration the great forwardnes & readines of M^r Edw^d Rawson to advance so hopefull a designe as the makeing of salt peter w^thin this iurisdiction, who for that end & purpose hath disbursed certein monyes, to his great losse & damage, p̃sented to us at large in his petition deliv^red into this p̃sent Co^rte, have therefore, in consid^ration of the p̃mises, & answere to his said petition, given & granted to him & his heires 500 ac̃ of land at Pequot, to be layd out by the appointm^t of the Co^rte, as also five pound, to be paid him out of the treasury. G^r to M^r E^d: Rawson. Reapeled.

Whereas, by sad expience, it is found very burthensome unto this Co^rte that many petitions of inconsid^rable concernm^t are in ev^ry Co^rte p̃sented, w^ch occasion much expence of time, & tend greatly to the exhausting the estate of the country, — 739–

It is hereby ordered, that all petitions w^ch are of a com̃on & ordinary nature, the petition^r shall, on the deliv^ry thereof, pay unto the secretary or clarke where the same shall be deliv^red two shillings six pence for each petition. Petic̃ons.

And all petitions for abatements of fines or mittigation *of offences shall pay unto the secretary or clarke, on delivery thereof, ten shillings; & all petitions for gratuities shall pay, as in former mann^r is exp̃ssed, ten shillings; & all petitions that concerne controversies betwixt p̃son & p̃son, towne & towne, shall pay tenn shillings; & also all petitions for debts betwixte p̃ty & p̃ty, brought from Quarter Co^rts, or that concerne appeales, shall pay ten shillings, besides the charges of the Co^rte borne, as by the former order is [*223.]

1648. 27 October. provided for; and all oth^r petitions, of what nature soever, to pay according to these ꝑpositions. Neverthelesse, it is hereby ord^red & declared, that all such petitions that concerne any ingagment that shalbe betwixt the country & any credito^r is hereby exempted, & that any magistrate or deputy of this Co^rte may ꝑsent any petition wherein his owne ꝑsonall right is concernd, paym^t excepted, and that there shalbe a true entry made by the secretary of the number of petitions that shalbe delivered to the magistrates, & that the like shalbe done of all petitions that shalbe delivered unto the deputies; & all such fees as are ꝑduced by such petitions shalbe received or secured by the secretary or clarke, & discounted in p̃t of their annuall alowance given unto them by the Co^rte, on consid^rations exꝑssed in the order that concernes their impliment; & this shall take place, & be in force, at the first session of the next Generall Co^rte.

740– Ferrie mō. For ꝑventing the ferrimens damage, by ꝑsons not paying, &c, it shall be lawfull for any ferriman to demand & receive his due, before his boate put of from shore, nor shall he be bound to passe over any that shall not give satisfaction; & any ferriman may refuse any wampam, not stringed or unmarchantable, & such ꝑsons (whether horse or foote) w^ch are passage free by order of Co^rte must shew some thing sufficient for their discharge, or else must pay, as oth^rs do, except magistrats & deputies, &c, who are gen^rally knowne to be free.

It is ord^red, by the full Co^rte, that the bookes of lawes, now at the presse, may be sould in quires, at three shillings the booke; ꝑvided that every member of this Co^rte shall have one w^thout price, & the audito^r gen^rall, & M^r Joseph Hill, for w^ch there shalbe 50 in all so disposed, by appointm^t of this Co^rte.

M^r Pocock. M^r Pocock his fifty pound to be paid to his agent here in corne, if he will accept it; if not, some course to be taken by the Treasurer to pay it in England, if he can; the like course to be taken for the paym^t of M^r Sherley.

M^r Sherley.

Jos: Armitage Joseph Armitage is agreed w^th for this yeare for liberty to sell wine, for twenty nobles.

Fines of D. & Hull. [*224.] The townes of Dorchester & Hull, being defective in sending in their comissio^rs, & furnishing them w^th sufficient instructions for makeing the country rate, their fines, *specified in the order concerning rates, are abated unto five shillings a towne.

F. of B. & H. The townes of Braintree & Hingham, being defective in sending in their comissio^rs for making their country rate, their fines, specified in the order concerning rates, are abated to fortye shillings a peece.

741– Mestick bridge. In the case of Mistick bridge, M^r Davison being sent for, the evidence he can give being heard & examined, w^th the records of the Gen^rall Co^rte, it

appeares, that though the Generall Co^rte hath engaged for an exemption of rates for that yeare, & finish the same on their charge, w^ch accordingly hath bene ꝑformed, but it appeares not in the least that the Generall Co^rte did engage to the repairing thereof, the Co^rte, being satisfied w^th the records, do order, that the said Mistick bridge henceforth shall not, by the country, any way be repaired, & that the passage for travellers shall be over the foarde w^ch is above the bridg^e; & further, for the ꝑventing future charges about bridges & high wayes, it is ordered, that all bridges & highwayes, in the limitts of the severall townes, in whose limits such bridges & highwayes are, be by them repaired, made, & maintained. 1648. 27 October. 742– Bridges. –

The iland called Lovels Iland is given unto the inhabitants of Charles Towne, & their heires & successors forever; ꝑvided, that halfe of the timber & fire wood shall belong to the garrison at the Castle, to be imꝑved wholly there. This was ord^red w^th consent of the deputies of Charles Towne. Louils Iland to Ch: t^o.

For answere to Pumhoms petition, it is ord^red, that when the season shall be fiting, com̄ission^rs shalbe sent to heare & examine the matters of this petition, & to make certificate thereof, so as the Co^rte may ꝓceed to determine the same according to iustice, w^ch is the rather to be done because the other p̃ty have complained to the com̄ission^rs lately of great iniuries & damages sustained by them, from the petitioner & his men. Pamhom.

It is ordered, that the servants of Hugh Gullison shalbe alowed from the Treasurer, for their attendance, twenty shillings; & so also is the like sum̄e of twenty shillings alowed to be paid to the servants of W^m Philips, for their attendance on o^r hono^red magistrates.

M^r Saltonstall & M^r Symons, being fined fifty shillings a peece for their absence from the Co^rte, upon their reasonable excuses their fines were taken of.

Maior Gibons, haveing some wines aboard the Dutch ship, desireing he may have leave to land so many as want trim̄ing, & take them aboard againe w^thout paying custome, w^ch is granted. Lib. to land wines.

*It was left to the Co^rte of Assistants (if they shall see cause) to appoint a day of thanksgiving throughout the colony. [*225.] Thanksgiving.

It was voted, that in the booke of lawes, title Appeales, in the last line save one, "iust" to be entered next before "charges," & the audito^r gen^rall to see it entered in ev^ry booke.

The Resolutions of the Co^rte, concerning some ꝓpositions made to the Gen^rall Co^rts of all the United Colonies. Resol. touch. the colonies.

ꝓpo. 1, pa. 17. Forasmuch as a meeting is intended w^th the Dutch, in the

1648. 4th m̃ next, for ending differences & setteling trade, &c, it is thought expedient to deferr any determination about this ꝑposition untill the result of that meeting shall appeare, & then the Corte shall know better how to proceede.

27 October.

ꝑposi. 2. 17. In case where, for want of agreement of six comissioners, the matter shalbe referred to the foure Genrall Cortes.

It is the mind of this Corte, concuring wth the desire of the comissionrs, that the agreemt of any three of the Genrall Cortes shall determine the question.

This Corte will consider further of this.

ꝑpo. 3. 24. This consisting of many branches, & the Corte not haveing time to consider their owne lawes & practise in this case, have referred it to a committee to examine, &c, & certify the next Corte.

ꝑpo. 4. 24. It appeares in the booke of the acts of the comissionrs, fol. , that Mr Fenwick should ioyne wth us in runing that south line, to decide the question about Woronoco, &c, but Mr Fenwick fayled to send any to ioyne wth us, whereupon we did it at or owne charge; & Woronoco was thereupon ordered, by the comissionrs, to the Massachusets; but we shall be ready to ioyne wth or brethren of Conectecot in a newe survey, so as they will be at the whole charge, in this, as we were in the other, & wthall ꝓduce their patent, as we have done.

ꝑpo. 5. 25. This Corte consents to this ꝑposition for alowing two Indians, each of them as , &c, upon confidence of Mr Eliots good assurance of the faithfulnes of these two Indians, so as the order be drawne up as an act of this Corte, &c.

The Courte have chosen the Governor, Capt Keayne, Capt Atherton, & Maior Denison to be a comittee, they, or any three of them, to ꝑforme this, the Govrnr being one.

[Page 226 left blank.]

1649. **At a Generall Corte of Election, at Boston, the 2d of the 3d Mo, 1649.*

2 May.

[*227.]

Deputies, this Courte.

Ca: Wm Hathorne,
Henry Bartholmew,
Maior Ro: Sedgwick,
Mr Franc̃ Willoughby,
Mr John Glover,
Thom: Jones,

Ca: Ro: Keayne,
James Penn,
Ca: Hugh Prichard,
Willi: Parkes,
Richrd Browne,
Ephraim Child,

Thom: Layton,
Cap: Dani: Gookin,
Edwd Jackson,
Ca: Dani: Denison,
Robert Paine,
Edward Rawson,
Leift Wm Tory,
Nicho: Jacobs,
John Beale,
Capt Sym: Willrd,
Antho: Fisher,
Leift Ro: Pike,
Wm Estowe,
Hum: Reyner,
Edmond Goodenow,
Ca: Wm Ting,
Samu: Basse,
Obedi: Bruen,
Leift Edwd Johnson,
Willi: Fiske,
Robrt Clements,
Richrd Walker,
John Johnson.

1649.
2 May.

[For those made free this Court, see lists of freemen at the end of this volume.]

JOHN ENDECOT, Esq, was chosen Governr, & tooke his oath to discharge the same place for this yre ensuing.

Thomas Dudley, Esq, was chosen Deputy Govrnr, & tooke the oath to that place belonging.

Richrd Bellingham, Esq, was chosen an Assistant, & tooke his oath.

Richrd Saltonstall, Esq, was chosen Assistant, & tooke his oath.

William Pinchin, gent, was chosen an Assistant, & tooke his oath.

John Winthrope, Iuni:, gent, was chosen an Assistant, and

Harbert Pelham, Esq, was chosen an Assistant, and

Symon Bradstreete, gent, was chosen an Assistant, and took his oath.

Increase Nowell was chosen an Assistant, and tooke his oath.

William Hibbens was chosen an Assistant, and tooke his oath.

Mr Thomas Flint was chosen an Assistant, & tooke his oath.

Mr Samuell Symonds was chosen an Assistant, & tooke his oath.

Capt Robt Bridges was chosen an Assistant, & tooke his oath

Maior Edwd Gibons is chosen Maior Genrall, & tooke his oath.

Mr Symon Bradstreete was chosen one of the Comissioners for this yeare.

Thomas Dudley, Esq, Deputy Govrnor, was chosen the othr Comissionr for this yeare.

John Endecot, Esq, or psent Govrnor, & Rich: Bellingham, Esq, were chosen reserves.

Increase Nowell was chosen Secretary.

Mr Richrd Russell was chosen Treasurer.

The petition of Salem, for removeall of the high way and landing place, from the head of the Basse Ryver to Drapers Point, is granted.

In answere to the petition of George Carr, the Corte doth conceive it meete that the petitioner shall have the free use of Ram Iland, so long as he

1649. 2 May. doth or shall diligently attend & serve the country, in keeping of the ferry between Salsberry & Newberry; & liberty is granted him, as occasion shall ꝑsent, to fetch any passingers from Newberry side, & Mr Coffin hath liberty to fetch any passingers also from Salsberry side, as occasion shalbe, that so the country may surely be served.

Upon the petition of Willi: Browne, for the 200 acres (due for the sum of 25t, put into the ioynt stock by Mrs Ann Harvye) to be granted him without the west line of Sudbury, to be layd out by Capt̃ Willard & Serieant Wheeler, to him being approved to have sufficient deputation fromꝰ his aunt.

[*228.] Ed: Bayle. *For explanation of the order of the last Corte, upon the petition of Edney Bayley, & in answere to the petition of Ezechiell Northin, her present husband, exhibited to this Corte, & for a finall determination of the case, it is ordered, that the 46t given to the child or children of Edney Bayly, by Willi: Halsteed, shall remaine in the hands of Ezech: Northin, husband to the said Edney, till Joseph Bayly, sonne of Richrd Bayly, deceased, shall attaine the age of 21 yeares, & then so much thereof to be paid to the said Joseph, as the will of the said Willi: Halsteed, the donor thereof, doth appoint, & that the said Josephs portion, out of the fathrs estate, shall be 41t, wch is two third parts of the said estate, wch some of 41t shall also remaine in the hands of the said Ezechi: Northin, till the said Joseph shall attaine the age of 14 yeares; ꝑvided, that the said Eze Northin give sufficient security to ye next Corte, to be houlden at Ipswich, for the well educating of the said Joseph Bayly, till he shall attaine the age of 21 yeares, & for the paying of the said legacy & portion, as formerly is exprest.

Marble Head. Upon the petition of the inhabitants of Marble Head, for them to be a towne of them selues; Salem haveing granted them to be a towne of themselues, & appointed them the bounds of their towne, wch the Corte doth graunt.

743– Norfolk. At the request of the county of Norfolk, it is ordered, that the constant dayes for the keeping their County Corte from henceforth, for Salsberry, from yeare to yeare, shall begin the second Tewsday in Aprill, & at Hampton yearely the first third day in October; & for this yeare, Richrd Bellingham, Esq̃, & Mr Samu: Symonds shall keepe Cortes there, wth Capt̃ Thomas Wiggen, Mr Samu: Dudley, & Mr Robt Clements, as associats, to ioyne wth them.

Leift Tore, 4l. The Corte, finding that Leift̃ Tory was implied as clarke the last session of the Generall Corte, to frame to the House of Deputies their bils, & transcribe fairely the ordrs of that yeare in their booke, (wch he hath done,) should have meete & iust recompence for his paines, agreed that he should be alowed

out of the treasury 4^{t}, as satisfaction for his paines, out of the next country levy, from the towne of Waymoth. 1649.

2 May. 744– Meadf. farme. Prp^{r}cō of comon.

In answere to Charles Towne petition, wee understand, by Leift Sprage & Thom: Line, then deputies of the Co^{r}te, that the cōmon granted to Mistick farme, by order of Co^{r}te, was meerely for prevention of trespasing on Charles Towne bounds, do alowe the said farme cōmon for 15 head of cattle, on the back side of Mistick farme, so long as the said land of Charles Towne, lying on the back side of Mistick farme, lye in cōmon, & no longer.

Questions ꝓpounded by the Maior Generall touching his Office.

First. Whether it be transgression of order to spend part of 1, 2, or 3 of those days mentioned in the cōmission, in fortification, & to discipline their men that way?

An. We conceive the 8 dayes exercise is to be spent in the exercise of armes, w^{ch} dayes we conceive fewe enough for that purpose, so many being taken of for gen^{r}all traineings; but leave it to the wisdome of the maior generall to improve his company 1 or 2 dayes about fortification, in Boston onely. Militarie.

*2. Who is the councell I must repaire to, for power to issue out warrants, for the calling of two regiments together? [*229.]

An. The councell of the cōmon wealth.

3. What shall be accounted sufficient publishing the lawes made in time of warr?

An. In the head of the army, then gathered togcther in the feilde.

4. Whether these may not be, for explanation, inserted into the cōmission for the maior generall?

An. Wee conceive it not necessary.

1. In answere to the first ꝓposition: What should be done, in ca[se] six of the cōmission^{rs} of the United Colonies agree not wheth^{r} the matter should be determined by three Generall Co^{r}tes, or foure?

An. To this we answere, that this Co^{r}te will consid^{r} further of this ꝓposition.

2. In answere to the 2^{d} ꝓposition, about the Dutch laying imposition upon marchants?

An. To this we answere, the Dutch Governo^{r}, as we are informed, hath taken of all imposition layd upon marchants there, w^{ch} if he shall continue, we conceive there needs no provision for our owne indempnity.

3. In answere to the 3 proposition, that the Massachusets & Coñecte-

1649. cot should agree upon some equall way for the ruñing of the Massachusets line?

2 May.

An. It appeares in the booke of the acts of the coñissionrs, fol. 20, that Mr Fenwick should ioyne wth us in ruñing that south line, to decide the question about Woronoco, &c; but Mr Fenwick failed to send in any to ioyne wth us; whereupon we did it at or owne charge, & Woronoco was thereupon ordered by the coñissionrs to the Massachusets; but we shall be ready to ioyne wth or brethrn of Coñectecot in a new survey, so as they will be at the whole charge in this, as we were in the other, &, wthall, ꝑduce their patent, as we have done.

4. In answere to the question about the probate of wills, & granting letters of administration?

An. Wee agree & fully assent to the desire of the coñissionrs, ꝑvided th[at] the sevrall Genrall Cortes of the rest of the colonies consent thereunto, & make orders accordingly.

2 guns gr. to Indians.

5. To the 5th ꝑposition, of alowing two guns unto two Indians, wth two pound of powder, & six pound of shot, yearely?

An. The Corte, confiding upon Mr Eliots good assurance of the faithfulne[s] of the Indians, do grant it, wth those limitations ꝑpounded by the coñissionrs.

Pruiño of powdr. Whereas, upon examination, it appeares unto this Corte that it is necessary that there should be some addition made to a stock of powder, & other aũunition, to secure orselves against an enemy, & thereupon have taken care that a supply may be made, wee thinke it is meet & convenient that the rest of the colonies wth whom we are in confedration, & from whom we should expect assistance, in case occasion call us thereunto, according to articles of agreement, should also be ꝑvided according to their ꝑportion: this Corte doth therefore desire or honored coñissionrs would be pleased to take it into their serious considerations, & accordingly to ꝑsecute the same, at the next meeting of ye coñissionrs, that so the rest of the colonies may be ꝑvided for as we are, & expect to be.

The Answere of the Corte concerning Springfeild.

Springfeild. Wee thinke it meete that or coñissionrs, at their next meeting, be mindfull to presse what arguments & reasons they can for the reversion of the last order of the coñissionrs concerning Springfeild, & amongst other, these in speciall:

1. That the coñissionrs of Coñectecot ꝑduced no patent or exemplification thereof, or any ordr of their owne Corte for their custome they require of Springfeild.

1649.

*2. They had no evidence of any ffort at all in being at the ryvers mouth, as we are informed.

2 May. [*230.]

3. By a clause in the comissionrs ordr, July, 1647, when they first determined against Springfeild, pa: 111, they ꝑvided, that the said imposition should be continued no longer then the fort in question was maintained, & the passage thereby secured, as at that ꝑsent; yet, after the said fort was demolished by fire, & no security of the passage, ꝑvided the comissionrs confirmed their former order at the last meeting.

Whereas the comissionrs for the United Colonies have thought it but iust & equall that Springfeild, a member of this iurisdiction, should pay custome or contribution to the erecting & maintaining of Seabrooke ffort, being of no force against an enemy of any considerable strength, (before it was burnt,) in the comissionrs owne iudgment, exprest in their owne ordr, pag: 109, wch determination against Springfeild they have also continued by an ordr at their last meeting at Plimoth, (though the said ffort was then demolished by fire, & the passage not secured,) contrary to a clause in their order ꝑvided on Springfeilds behalfe, pag: 111;

And forasmuch as this iurisdiction hath expended many thousand pounds in erecting & maintaining sevrall forts, wch othrs (as well as orselues) have received the benefit of, & have at ꝑsent one principall fort or Castle of good force against an enemy of considerable strength, well garrisoned, & otherwise furnished wth sufficient amunition, besides sevrall other forts & batteries, whereby vessels & goods of all sorts are secured;—

745– It is therefore ordered by this Corte, & the authority thereof, that all goods belonging or appertaining to any inhabitant of the iurisdictions of Plimoth, Coñectecott, or Newe Haven, that shalbe imported wthin the Castle, or exported from any part of the Bay, shall pay such custome as hereafter is exprest, vizſ:—

Custome of goods.

All skins of beaver, otter, mouse, & beare, 2d ꝑ skin; & all othr goods packt up in hogsheads, or otherwise, 10s ꝑ tunn; meale & corne, of all sorts, 2d ꝑ bushell; bisket, 6d ꝑ co; & it is furthr ordred, that all such skins & othr goods as shalbe imported or exported as aforesaid, shall be duely entered wth the auditor genrall, & the custome thereof paid or deposited before any part of the said goods be eithr sould, shipt, landed, or othrwise disposed of, under the pœnalty of forfeiting the said goods not so entered, or the due value thereof.

And if any inhabitant of this iurisdiction, or stranger, shall buy any of the forementioned goods belonging or any wayes appertaining to any of the

1649. 2 May. inhabitants of Plimoth, Coñectecott, or Newehaven aforesaid, imported to any othr part of or iurisdiction, or shall sell or delivr to any such inhabitant any othr goods in any p̃t of the Bay wthout the Castle, he shall enter the said goods wth the auditor genrall, & pay or deposit for the same after the same mannr & ꝓportion, & undr the same pœnalty, as is ꝓvided for goods, &c, brought wthin the Castle; this ordr to take place the first day of the next month.

And the auditor genrall is hereby appointed & authorished to take care for the execution of this ordr in all the p̃ticulers thereof, eithr by himselfe or by his deputy or deputies.

746– [*231.] Springfeild. In answere to the petition of the towne of Springfeild *concerning a composition for the country rates, —

It is ordered, that the towne of Springfeild may be exempted from ordinary country rates for the space of six yeares, paying to the Treasurer for the time being the yearely sum̃e of 15t, & that 10t may be alowed them out of their first yeares paymt towards the building of the bridges mentioned in the petition.

Whereas the surveyer genrall, on some encouragments, lent one barrell & a halfe of the countryes store of powdr to the artilery officers of Boston, conditionally, if the Genrall Corte did not alowe it to them as a gift to spend at the funrall of or late honored Govrnr, they should repay it, the powdr being spent on the occasion abovesaid, the Corte doth thinke meete that the powdr so delivered should nevr be required againe, & thankfully acknowledg Bostons great, worthy, due love & respects to the late honored Govrnr, wch they manifested in solemnizing his funrall, whom wee accompted worthy of all honor.

Mr Rawson to pay 5l for powdr. On a motion of the surveyer generall that the barrell of powder in the yearcs 1640 or 41 delivered to Edwd Rawson for the towne of Newberry, being imꝑved partly to sevrall ꝑsons implied on the publike service of the country about the Indian designes, by vertue of warrants from the councell & ordrs of this Corte, & the rest sould & wasted, might be determined by this Corte to be satisfied for, the Corte iudge it meete, that Edwd Rawson should onely satisfy ye survey gen rall 5t for ye barrell; & the towne of Newberry & himselfe is hereby discharged therefrom.

2 barr. pow. The Corte, however it hath bene & is loath to discourage such as are in authority in the sevrall regimts, as maiors, who are the principle officrs, in that respect, & rathr for ꝑsent choose to alow the maior genrall & Maior Sedgwick the two barrels of powder wch, at their last meeting, was lent unto them, then to require it of them againe, yet iudgeth it meete to declare, that it is not safe, nor will they henceforth countenance any ꝑsons whatsoever, to lend to

any ꝑson ought of the countryes store that an order of this Genrall Courte doth not approve of or require. 1649.

The Corte doth redily consent, that the surveyr genrall should have 10t alowed him out of the next country rate, as a recompence for his service. 2 May. Srueyr genr.

At the request of the towne of Braintree, Capt Wm Ting, Samu: Basse, & Stephen Kingsly are appointed to end small causes there accordg to lawe, for this yeare.

It is ordred, that the executionr, Thom: Bell, shall be exempted frōm [illegible].

Mr Bellingham, Mr Nowell, Mr Hill, & Edwd Rawson are appointed a cōmittee to examine the publike writings received frōm the formr Govrnr, & put them in order fitingly; & they are to do it wthin 5 weeks.

Mr Nowell, Capt Keayne, & Capt Ting are appointed a cōmittee to take the Treasurers account & auditor genralls between this & the next session of this Courte, makeg returne thereof to this Corte.

Seeing it concernes this Corte to ꝑvide the best high wayes to be layd out frōm towne to towne for publike use, wch concerne all the posterity as well as oꝛselves, & therefore that no private intrest should hindr it, & forasmuch as the way frōm Reding to Winnetsemet last layd out is thought to be lesse behooffull for the country then the formr way layd out by ordr of this Corte, Mr Robt Clements, John Osgood, & Franc Smith are hereby authorished & appointed to lay out the way, as men most indiffrent to lay out the same. High way frō Redd. to Wins.

Agreed, this 25th 12th m, 1648, between Thom: Holbrooke, Henry Kingman, & Nathell Adams, a cōmittee of Waymoth, & Stephen Kingsly & Samu: Basse, a cōmittee of Braintree, for laying out of the high way for the country, from Waymoth to Dorchestr, that the said country high way shall lye the ꝑs[ent] *wonted high way from Waymoth to Braintree meeting house, foure rods wide; & whereas, at the said meeting house the way cannot be conveniently had at one end thereof, we appoint the said way to run so as to be [illegible] rods at one end of the said meeting house, & 2 rods at the other end, & so to fall at foure rods againe at a markt stump a little beyond the said meeting house, & so that breadth to a stump of a tree neer Henry Neales house, & there to be carried the said breadth to the lot called Hudsons lot, rectifying the way wch now is, by takeing it of through severall necks, as we have markt it out, & through the said Hudsons lot, the same breadth to the hill going towards the brooke, & thence till tenn poles beyond the brooke, six poles wide, & then to lye foure rod wyde unto Dorchester bounds, & all as we have already set out the same by severall marks for that purpose; & Frō Waymo to Dorchester. [*232.]

1649. this wee ꝑsent to the honor^ed Co^rte, to be recorded for the country high way for ever. Consented to.

2 May.

Upon the petition of Rich^rd Bellingham & Rich: Dum̄er, it is ord^red, that M^r Rich^rd Dum̄er shall give acc^t to M^r Rich: Saltonstall & M^r Sam: Symonds, upon oath, & they to certify the same to the next adiournment of this Co^rte, that the said M^r Dum̄er may have his discharge as agent, or atturny, & so himselfe & the oth^r executo^r may enter upon the estate of M^r Nelson, &

M^r Nelson.

dispose of the same, as executo^rs, in behalfe of M^rs Nelson, widowe, & her children, & the children of M^r Nelson by a former wife.

Capt Wiggins & Edw: Rausons discharge ab^t M^r Willjam Walderns estate.

Upon the petition of Thom: Wiggen & Edw^d Rawson, it is thought meete their account be accepted, & they discharged, & that M^r Rawson be alowed, out of the estate of the said Waldren, for his paines in & about the matter of this petition, 40sh^s, & Capt̃ Wiggan 30^s, & that the estate of the said W^m Waldren, consisting of lands, houses, & cattle, are hereby appointed to be & remaine in the hands of Hate evill Nutter & John Hall, of Dover, to dispose of as they iudge may best tend to the impvement of the estate, & to be ready to be accountable, when the Co^rte shall thinke meete to call for it, for satisfaction to the creditor^rs.

M^rs Cole.

Although Elisa: Cole hath bene often answered by former Co^rts, & that course hath bene taken to make her cancelled deed valid, yet in regard it was long aft^r her broth^r was gone fro^m hence, & also much disabled to give her satisfaction had he been here, we thinke meete that it be declared, that if she hath received any damage, the Co^rte is innocent, time being given her to make her iust plea, at the time when it was cancelled.

X^rph^r Youngs children.

Upon request made to this Co^rte, by the executo^rs of Xfer Yong, of Wenhā, deceased, concerning the disposall of his children, w^ch, by his will, were to be sent into England; the Co^rte, in answere thereunto, iudgeth it meete to ord^r, that by reason M^r John Philips, unto whom the boy was to be sent, hath shewed his dislike thereof, & unwillingnes to intertaine him, that the executo^rs have hereby pow^r, & ar authorished to place him forth here in this country, so as in their und^rstanding may best conduce to the good of the child; & for the two daught^rs, that were to be sent ov^r into England, to M^rs Elvin, that they be continued here untill the executo^rs send to M^rs Elvin what was desired by the said Xfer Yong, in sending his two daught^rs to her, w^ch if upon her answere shee manifest her acceptance of them, the two daught^rs to be sent by the first oportunity; but if shee refuse it, then the executo^rs are to place them forth as may seeme best to them, & may conduce to the good of the children.

M^r^ Joseph Hill is granted, as a gratuity, ten pounds, to be paid him out of the treasury, for his paines about the printed lawes. 1649.

Upon the petition of Elisa: Fairefeild it is granted, that her husband, shée & their children, to depart out of this iurisdiction unto such other parts of the world as it shall please God to dispose; ꝑvided, that her husband shall be *und^r^ his former censure if hee returne hith^r^ againe. 2 May. [Fa]yrefeild. [*233.]

In answere to the petition of Edw^d^ Bendall about the Indian squa, he is refered to the com̄ission^rs^ at their meeting. The petition for a pattin for a tub to dive in is not granted; for the oth^r^, ag^st^ stealing wharfage, it is conceived the law hath sufficiently ꝑvided in this case.

In answere to the petition of Nathani: Boulter & Rich^r^d Swaine, the Co^r^te doth conceive, that in regard it is an unusuall thing for the country to take the forfeitures of bands for non appearance in time, or not so fu[r]nished as the law in that case requires, w^ch^ the petition^r^ was ignorant of, that the forfeiture of his band, specified in his petition, be remitted.

Upon the petition of W^m^ Tyly, the Co^r^te doth agree, that hee shall pay 40^s^ forw^th^, the 10^s^ included, for the fees for his petition.

There being many ships in the harbo^r^, & div^rs^ of them strangers, the Co^r^te doth order that a millitary watch be forthw^th^ appointed, in Boston & Charles Towne, to continue till any foure magistrates shall see cause to alter it.

Sudberry is granted two miles westward, next adioyning to them, for their furth^r^ inlargm^t^; ꝑvided, that it ꝓiudice not W^m^ Browne in his 200 acres alredy granted. Sudbury.

Jonathan Wade is granted 400 acres of land, where he shall find it undisposed of, so as the land found by him be not iudged by this Co^r^te ꝓiuditiall to any towne or plantation already made, or to be made. Joñ Wade.

Upon the petition of Soloman Franco, the Co^r^te doth not find any cleare ground upon w^ch^ factorige should be due or alowed him by the maior gen^r^all, out of the estate of the principles, & no estate of Em̄anuell Peradoes appearing; but the Co^r^te doth alow the said Soloman Franco 6^s^ ꝑ weeke out of the treasury for tenn weeks, for his subsistence till he can get his passage into Holland, so as he do it w^th^in that time.

The Co^r^te thinke meete that Josua Fisher repaire to the com̄ittee, viz^ſ^, Capt̃ Keayne & James Penn, &c, to make his composition as oth^r^s do.

Upon the petition of John Palmer, that the land he bought of M^r^ Dum̄er, w^ch^ was M^r^ Nelsons, might be ratified to him & his heires, or that M^r^ Dum̄er might make returne of what he paid him, & what he hath layd out upon it, — J^o^ Palmor.

The Co^r^te thinks meete, that M^r^ Dum̄er make it appeare to this Co^r^te

1649. 2 May. that he had power to make sale of the lands of the said Thom: Nelson, before any ꝑceedings be hereabouts.

Upon the petition of Thomas Moulton, for takeing of his fine of 5^{t}, the Co^{r}te doth conceive that his petition should be comitted to the consid^{r}ation of the next Q^{r}ter Co^{r}te, the rath^{r} because there are oth^{r} petitions addressed onely to the magistrates, w^{ch}, wth this, have necessary dependence one of anoth^{r}.

Mldon. Upon the petition of Mistick side men, they are granted to be a distinct towne, & the name thereof to be called Mauldon.

Nubury pet. Upon the petition of Newberry men, it is answered, the petition^{r}s not haveing observed the Co^{r}ts ord^{r} in the election of their officers, the Co^{r}te cannot alow of their choyce; but the said petition^{r}s have liberty to ꝑceed to a newe election, according to ord^{r} of Co^{r}te, & to ꝑsent y^{e} names of those whom they shall so elect to the County Co^{r}te, at Salem or Ipswich, to be confirmed.

Ch: Saunde^{r}s petic̃on. Upon the petition of Charles Saund^{r}s for some iudicious & able men to be appointed by this Co^{r}te to appraise the goods of the wreck, Mathewe Chafe & Arth^{r} Gill, of Boston, are appointed, that so a certificate may be made to give satisfaction to his owners, in England or elsewhere.

Upon the petition of M^{r} Thom: Gamer, the Co^{r}te thinke it iust that there may be a coppy of the records truely transcribed, & (the petition^{r} paying the officer for it) be deliv^{r}ed him, & that the goods not inventoried may, upon due ꝓffe, be deliv^{r}ed the petition^{r}; & Capt̃ Keayne & Capt̃ Ting are appointed to examine the records transcribed.

Ro: Saltonst. petic̃on. In answ^{r} to the petition of M^{r} Rob^{r}t Saltonstall for his land, the Co^{r}te conceives that the petition^{r} should first find out & ꝓpound to the Co^{r}te the place where he may have his quantity of land already granted to him, & that the [*234.] *Co^{r}te should incline to graunt it unto him, if wth conveniency it may be done.

The second, about the right of the patentees, is referred to the consideration of the next session of this Co^{r}te.

Concerning the 3^{d} request, we thinke it meete to admit that the case between the petition^{r} & M^{r} Sellick be heard the next session of this Co^{r}te; ꝓvided y^{t} the petition^{r} put in good security, to the value of 50^{t}, to satisfy for the expence of y^{e} Co^{r}te, & costs & damages of the defendant, if, upon hearing, the case shall be adiudged against him, the said petition^{r}.

Gr. of oo to th gou^{r}s child. Forasmuch as o^{r} late honored Gov^{r}no^{r}, upon his death bed, did exꝑsse his tend^{r} desires towards his wife & yongest child, that if the country did thinke it meete to bestowe upon him any thing for his service done, that it should be to the said child, & remaine in the hands of his wife for its education, & the stock ꝑserved intire for the childs use, & forasmuch as the Co^{r}te hath not ꝓvided for the disposing of that estate, in case of the death of the child, the

Co^rte doth conceive it iust, that in case the infant dyes before it attaine the age of 21 yeares, the $\frac{1}{3}$ p̃t thereof should accrew to the widow of o^r late hono^red Gov^rno^r, & the oth^r two thirds, $\frac{1}{3}$ to M^r Deane Winthrope & the oth^r to M^r Samuell Winthrope, they as yet haveing had no portions out of the late Gov^rno^rs estate, nor like to have. 1649. 2 May.

The petition of John Peters Spegall, for liberty here to ioyne in marriage to Belekey Danielis, though not published according to o^r law, it is alowed, they being strangers & suddenly to depart.

Upon the petition of John Bourne, of Salem, his fine of 5^t^, for seling strong wat^r w^th^out licence, is remited to 40^s^, so as he satisfy that w^th^in 6 weeks frō y^e 4^th^ 3^d^ m̃. J^o Bourne.

In answere to a letter fro^m^ John Smith, who writes himselfe gen^r^all assistant for the colony, in behalfe of the towne of Warwick, excusing themselues of any wrong to the Indians, there being no accusations p̃ved against the inhabitants of Warwick, we find we have nothing at p̃sent to charge upon them; & if any thing aft^r^wards appeares, we shall referr it to the com̃ission^rs^, at their meeting in the 7^th^ m̃.

In answere to a letter of Randoll Holding, for liberty to come into o^r iurisdiction, & to take of the sentence of banishment in effect, the Co^r^te, in puseing his lett^r^, sees no reason nor argum^t^ to move the Co^r^te to take of the censure inflicted iustly on him by this Co^r^te, nor do they see any p̃iudice that may accrew to him, hee being at liberty to imp̃ve any atturny for himselfe, who may expect all due iustice amongst us, as any of o^r^ owne iurisdiction. R: Holding.

Upon the petition of M^r^ W^m^ Gerish, it is answered, the Co^r^te doth grant his petition in mann^r^ following, viz^ſ^: 1. That 14. 10sh^s^ be abated, in regard of losses of cattell, out of the 150^t^ due to the child. M^r^ Gerrish.

2. That the remainder of the 150^t^ be p̃sently set out & paid to the use of the child, in the dweling house that John Oliver late dwelt in, at Neweberry, togeth^r^ w^th^ the lands that now appertaines thereunto; & if this house & land, w^th^ the appurtenances, shall not reach to discharge the sum̃e, then to be supplied out of the estate of M^r^ Gerish, in cattell or oth^r^wise, & that the Co^r^te appoint meete men to make the apprizall; there was a dweling house, barne, & cow house, purchased by M^r^ Gerish of M^r^ Lowle, w^th^ oth^r^ lands thereunto aded, w^ch^ are intended herew^th^ to be apprized.

3. That the child should stand to the advance or losse of the value of John Oliver his house & land, according to former order.

4. That, the houses & lands aforesaid being apprized, the Co^r^te may authorish M^r^ Gerish, John Saund^rs^, & M^r^ Edward Woodman, or such of them as they thinke meete, to be intrusted w^th^ the estate of the child, & to sell or let

1649. 2 May. out the houses & land, as they shall iudge most to conduce to the benefitt of the child, giveing this Co^rte an account of their proceedings herein, when they shall be called thereunto.

5. That M^r Gerish should have competent alowance from the ꝑfits of the estate of the child, for her education & maintenance, to be determined by the Co^rte.

This Co^rte doth authorish John Sanders, Rich^rd Knight, & M^r Greenleife to prize the said houses & land w^ch was John Oliver his estate, & what other shall be tendered for the daught^r of the said John Oliver her portion, & to make returne of the apprizement to the next sessions of the Gen^rall Co^rte, [*235.] & then to determine what alowance to be made *for the childs education & maintenance; & if the said houses & lands shall × × × by those three men appointed by ord^r of Co^rte, (then) to be determined [by the] Gen^rall Co^rte, who shall keepe the said portion, & when to be paid the chi[ld].

M^r Carr of Salsburi ferrie. On a second motion of M^r Carr, the Co^rte thinks meete that the ferry [re]maines as now it doth, to the next Co^rte at Salsberry, against w^ch time experience & sufficient reasons may so appeare to the next Salsberry Co^r[te] as whereby they may iudge of the setteling & disposing thereof, eith^r to one the whole, or to both as it is, as they shall iudge may best tend to ease of the country, to whom this Co^rte conferrs pow^r to determine & ord^r accord^gly.

Hull, conc̃ M^r Mathewes. The Co^rte iudge thinks it no way meet to grant the inhabitants of Hull their desire for M^r Mathews returning to them, nor residing w^th them, & do declare that they find severall erronious exꝑssions, oth^rs weake, inconvenient, & unsafe, for w^ch it iudgeth it meete to order that the said M^r Mathews should be admonished by the Governo^r, in the name of this Co^rte.

The Co^rte voted that the servants of Hugh Gunnison shall be alowed twenty shillings for their attendance on this Co^rte.

And the servants of W^m Philips 20sh^s for the like service this Co^rte.

Capt̃ Hathorne & M^r Downing are appointed associats for the Co^rte at Salem, this yeare ensuing.

The maior gen^rall tooke his oath.

The Co^rte is adiourned to the 17^th of the 8^th m̊, at 8 of y^e clock.

Securitie for imp^o of wines. Whereas the Gen^rall Co^rte have set & to farme let, by their order, bearing date the 27^th of the 8^th m̊ last past, the custome of all sorts of wines imported into their iurisdiction, w^th all the ꝑfits & emoluments thereunto belonging, together w^th all their power & authority for the ꝑcureing & receiveing of the same from all mann^r of ꝑsons whatsoev^r, according to orders of Co^rte made for that purpose unto Maior Rob^rt Sedgwick & M^r Ric: Russell,

for the full tearme of foure yeares from the 27th day of the 8th m̃ last past, — in consid^r^ation whereof wee, the said Maior Rob^r^t Sedgwick & Rich^r^d Russell, & also Francis Norton, of Charles Towne, m^r^chant, & David Yale, of Boston, marchant, do by these p̃sents bind o^r^selves & ev^r^y of us, in the sum̃e of 240^t^ pounds sterling, to pay unto the country, or Gen^r^all Co^r^te, or to whom they shall appoint, for the said tearme of four yeares after the 27th of the 8th m̃, the sum̃e of 120^t^ yearely, in curra[nt] pay of Newe England, in mann^r^ & forme following; that is to say, 60^t^ upon the 27th of the 2^d^ m̃ next ensuing the date hereof, & 60^t^ upon the 27th of the 8th m̃ then next following, & so to continue upon the said dayes, yearely, 60^t^, upon each day, untill the said 4 yeares be expired. In witnes whereof we have hereunto set o^r^ hands & seales, 11th 10th m̃, 1648. 1649. 2 May.

Sealed in the p̃sence of

JOHN DAND,
ROB^R^T KEAYNE,
JAMES PENN,
RO: LONG.

ROB^R^T SEDGWICK,
RICH: RUSSELL,
FRANC: NORTON,
DAVID YALE.

Articles of Agreem^t^ indented & made the 11th 10th m̃, 1648, between C[ap̃t] Rob^t^ Keayne & James Penn, Deputies of the Gen^r^all Co^r^te, holden at Boston, in Newe England, in behalfe of the said Co^r^te, of the one p̃t, & W^m^ Philips, Rob^r^t Long, Hugh Gunnison, W^m^ Hudson, & Rob^r^t Turn^r^, vintn^r^s, of the other p̃t, as followeth: — Articles w^th^ the vintners.

Inpr: The said Ro: Keayne & James Pen̄ do, by these p̃sents, by vertue of an order made by the said Gen^r^all Co^r^te the 27th of the 8th m̃ last past, set & to farme let unto the said W^m^ Philips, Ro: Long, Hugh Gunnison, W^m^ Hudson, & Rob^t^ Turner, & their assignes, the seling & retaileing of all mann^r^ of wines in Boston & Charles Towne, for [&] dureing the space of 5 yeares next ensuing the said 27th of the 8th m̃ last past.

It is covenanted & agreed between all the p̃ties to these p̃sents, that y^e^ said W^m^ Philips, Rob^r^t Long, Hugh Gunnison, W^m^ Hudson, & Rob^r^t Turn^r^, & their assignes, shall not, in se[lling] & retailing y^e^ wines hereafter mentioned, take or receive of any p̃son or p̃sons whatsoev^r^ [over] & above y^e^ prizes following; y^t^ is to say, for all mann^r^ of sacks, muskadels, alligant, & tex wine, y^e^ rate & p̃portion of 15^d^ p̃ q^r^t; & for all mann^r^ of French wines, as white wine & cla[ret] wine, y^e^ rate & p̃portion of 8^d^ p̃ q^r^te; & so for a greater or lesser quantity, p̃portionably, of any of the aforesaid wines, dureing the said tearme of 5 yeares.

It̃: The said Cap: Rob^r^t Keayne & James Penn, on the behalfe of the said Gen^r^all Co^r^te, & w[th] the consent of y^e^ same, do, by these presents,

1649. 2 May: [*236.] covenant, ꝑmise, & agree to & w^th^ the said [W^m^] Philips, Ro: Long, Hugh Gunnison, W^m^ Hudson, & Rob^t^ Turner, & ev^r^y of them, & their *[as]signes, that no ꝑson or ꝑsons inhabiting w^th^in Boston & Charlestowne aforesaid shall, from the 27^th^ of the 8^th^ m̊, have any liberty granted to them, by the said Gen^r^all Co^r^te or otherwise, to sell any manner of wine by retayle of any lesse quantity then a qu^r^ter caske, according to a former order of the said Co^r^te, but onely such persons & their assignes as are now licensed, untill the said tearme of five yeares be expired.

In consideration whereof, the said W^m^ Philips, Rob^t^ Long, Hugh Gunnison, Willi: Hudson, & Ro: Turner, for themselues, & every of them, & the executo^r^s, administrato^r^s, & assignes of them, & ev^r^y of them, do, by these ꝑsents, covenant, ꝑmise, & agree, to & w^th^ the said Capt̃ Rob: Keayne & James Penn, well & truely to pay, or cause to be paid, unto the said Rich^r^d Russell, gent̃, Treasurer of the iurisdiction of the Massachusets, in Newe England, or his successors, the sum̄ of 160^t^ yearely in currant pay, in manner & forme following; that is to say, 80^t^ upon the 27^th^ of 2^d^ m̊ next ensuing the date of these ꝑsents, & 80^t^ upon the 27^th^ of the 8^th^ m̊ then next following, & so consequently, at the said dayes yearely, 80^t^ at each day, for & dureing the space of the five yeares above mentioned. In witnes whereof, the parties aforesaid to these presents have interchangably set to their hands & seales the day & yeare first above written.

Sealed & deliv^r^ed in the ꝑsence of
JOHN DAND,
FRANC: NORTON,
DAVID YALE.

WILLI: PHILIPS,
ROB^RT^ LONG,
HUGH GUNNISON,
WILLI: HUDSON,
ROB^T^ TURNER.

This act of the com̄ittee is approved, & they discharged, & to be entered amongst the Co^r^te records, w^th^ these ꝓvisoes following: —

1. That the lessēs shall not draw wine in any houses but where the lessees do or shall dwell in the same towne.

2. If they set any assignes in those houses w^th^out the apꝓbation of the Gen^r^all Co^r^te, it shall be invalid.

3. That it be exꝑssed what the 160^t^ ꝓ @ shall be paid in; otherwise they may pay it in com̄odities of w^ch^ no use can be made but by transporting of them & waiting for returnes with adventure.

747– Forasmuch as the law of God (Exod. 10: 13) allowes no man to touch the life or lim̄e of any person, except in a iudiciall way, —

Life or lim̄e. Phis. chir^r^, midwiues. Be it hereby ordered and decreed, that no person or persons whatsoever that are implied about the bodies of men, weomen, or children, for preservation of life or health, (as phisitians, chirurgions, midwifes, or others,) ꝑsume

to exercise or put forth any act contrary to the knowne rules of art, nor exercise any force, violence, or cruelty upon or towards the bodies of any, whether yong or ould, (no, not in the most difficult & despate cases,) wthout the advice & consent of such as are skilfull in the same art, if such may be had, or at least of the wisest & gravest then present, and consent of the patient or patients, if they be mentis compotes, much lesse contrary to such advice & consent, upon such punishment as the nature of the fact may deserve; which law is not intended to discourage any from a lawfull use of their skill, but rather to incourage and direct them in the right use thereof, and to inhibit and restraine the presumptuous arrogance of such as, through prefidence of their owne skill or any other synister respects, dare be bould to attempt to exercise any vyolence upon or towards the bodies of yong or ould, to the preiudice or hazard of the life or lim̃e of men, weomen, or children. 1649. 2 May.

*It is ordered, that it shall not be in the liberty of any towne or person to pay peage to the country rate, nor shall the Treasurer accept thereof, from time to time. [*237.] 748– Peage not for rates.

It is ordered by this Co^{r}te, that all appeales lawfully obtained are to be accounted in the nature of a writt of erro^{r}, and thereupon all further ꝓceeding to iudgment and execution shall be suspended. 749–

And the party appealing shall breifly, in writing, under his or his attur- Appéales. nyes hand, give to some one of the iudges from whom hee did appeale the grounds and reasons of his appeale, six dayes before the begiñing of that Co^{r}te to which he did appeale.

It is ordered, that the Co^{r}te of Assistants shall take cognizance of no case or action tryable in any Countye Co^{r}te, unlesse it be by way of appeale, and that no debt or action proper to the cognizance of any one magistrate, or of any three com̃issione^{rs} for tryall of cases under fortye shillings, shalbe intertaiñed by any Countye Courte or Courte of Assistants, but by appeale from such magistrate or com̃ission^{r}, as aforesaid. 750– What causes to be brought to Co^{r}te of Assis^{ts}.

This to be published forthwth, but not to be of force till after the end of the next Quarter Co^{r}te.

Forasmuch as it is found inconvenient and very burthensome to the magistrates that many persons have recourse to them for advice & counsell in cases which are afterwards like to come to their cognizance in a legall way,— 751–

It is therefore hereby ordered, that, after one months publication hereof, it shall not be lawfull for any person to aske counsell or advice of any magistrate, in any case wherein afterwards hee shall be a plantiffe, under pœnalty of being disinabled to prosecute any such action (that he hath so propounded or taken advice in, as aforesaid) at the next Co^{r}te where the case shall come None to aske counsell of iudges.

1649. to tryall, being pleaded by way of barr, either by the defendant or any on his behalfe, in which case the said plantiffe shall pay full costs to the defendant; and if the defendant aske counsell or advice, as aforesaid, he shall forfeit ten shillings for every offence.

2 May.

[*238.] *Whereas this Co^rte hath, for the incouragement of troopers, ordered that their persons and horses should be exempted from country rates, and also that five shillings should be paid them yearely out of the treasury, and because it is found burthensome and difficult for such troopers as live remote to get bills signed by the audito^r, and payment of the Treasurer, of the said yearely incouragement, it is therefore ordered, that it shall be lawfull for every trooper to discount yearely out of his country rate, to the cunstable of the towne where hee lives, the said five shillings, provided he produces a note under the hand of the cheife comander of the troope that hee is furnished, according to order, with horse and armes; and the Treasurer shall discount of the said cunstables rates whatsoever hee shall pay according to this order.

Troops to have 5^s discounted.

Money for the prison. It is ordered, that whoever in this iurisdiction shall disburse money or other acceptable pay, for the repairing of the prison at Boston, shall be repaid out of their next country rate, with alowance of two shillings in the pound; and John Johnson and James Penn are hereby authorished to give receits to all such persons as shall so disburse, and to take care to improve the said disbursements, for the speedy repaire of the prison.

West India ships. The Courte doth thinke meete that the order concerning the stoping of West India ships at the Castle should hereby be repealed, seeing it hath pleased God to stay the sicknes there.

753– The Co^rte, takeing into serious consideration the inconveniency that may follow to the publike by the exportation of mares, do therefore order, that no person or persons whatsoever shall, after the publication hereof, export or convey any mare or mares, yong or ould, out of this iurisdiction, upon the forfeiture thereof, or the value thereof, one halfe to the informer, and the other moyety to the publike. And to the end *that this law may be duly executed, be it [fur]ther ordered, by the authority aforesaid, that [no] comander of any shipp or bark shall, after publication aforesaid, receive on board his vessell or shipp any other horses or gueldings but such as shall be entered into a booke, with the colo^r, perticuler marks, age, (as neere as may be knowne,) & person of whom the horse was last bought, & proofe, by witnes, or oath that hee was the true owner thereof, to be kept by Edward Bendall, of Boston, and by the clarke of the writs in all other townes, whom the Courte hereby authorisheth to veiwe all such as shall be shiped; and for every horse so entered there shall be paid to the said Edward Bendall and other officers, as aforesaid, by them,

Mares not to be exported.

[*239.] Comand^rs of ships not to receive any mares a board. Edw^d Bendall of Boston, & clarke of writs in oth^r townes.

six pence; and what ever comander or master of any shipp who shall take aboard any other except such as hee shall receive a note under the hand of the said Edward Bendall, or the said clarkes, as above authorished and entered, as aforesaid, shall for such offence forfeit the sume of forty shillings to the informer, & forty shillings to the Treasurer. 1649. 2 May.

For as much as the printed law concerning dowries, upon second veiw and examination, appeares not so convenient as was formerly conceived, in every perticuler thereof, it is therefore hereby ordered, that the clawse towards the latter end of that order, that gives a wife a third part of her husbands money, goods, & chattels, reall & personall, after her husbands decease, shall henceforth be repealed, and become voyde; and the rest of the said order to be and remaine in full force and vertue. And it is hereby declared & ordered, that these words in the 14th line of that order, vizt, "then by act or consent of such wife," be understood, in case it be done by writing, under her hand, and acknowledged before some magistrate to be her volentary and free act, and so attested by him, which, being certified, shall be a full barr to such woman forevr clayming any right, title, or interest to any such estate. 754– Dowryes.

*And it is further ordered, that where any husband dyes intestate, the Countye Courte of that iurisdiction where the said deceased had his last residence shall have power to assigne to the widow such a part of his personall estate as they shall conceive iust and equall, as also to devide and assigne to the children, or other heires, their severall partes and portion out of the said estate. [*240.]

It is ordered by this Cort, that if any be found drunken, by night or day, or shall, in his drunkennes, offer any abuse to the cunstables or others, either by striking or revileing of him or them, or useing any endeavor, by himselfe or others, to make an escape, it shall be in the power of the cunstable to comit such persons to safe keeping or imprisonment, or take band for his appearing, as hee shall see cause, (and that the keeper of the prison shall receive all such as shall be so comitted, and to take but 12d for his fees,) till he be sober, and then to informe the next magistrate thereof, and in case no magistrate be in the towne, the cunstable shall carry him to one or more of the three men appointed to end small causes, and where no three men are, then to carry him before any one or more of the select men in that towne, who have hereby power given him or them to do as any magistrate may, in the like case, if they were present; provided, that if any delinquent shall confesse his fault, & pay his fine and other charges, the cunstable shall receive his fine & dismisse the offender; and any person hereby authorished to receive the fines, as abovesaid, shall forthwith make present returne to the clarke of the 756– Drunken. Keeper to receive fee, 12d.

1649. Countye Courte, where such offence is comitted, of what hee hath done and received, to the end it may be recorded.

2 May. Cunstable to prceed [wi]th swears, cursers, tiplers.

The like power, in the absence of a magistrate, cunstables shall have, to proceed with swearers, and cursers, and unseasonable tiplers, and company keepers.

[*241.]

200li for powder.

*It is ordered, that two hundred pounds shall be paid out of the best of the pay of the n[ext] country levy to the surveyer generall, for the purchasing of powder for the countryes store, but in case that should fall short, that warrants issue out from this Courte to raise two hundred pounds for that end; and the surveyer generall and James Penn are intreated to treat with some of the marchants for the procureing of so much powder as amounteth to two hundred pounds.

757–

Evry towne to prvide powder.

It is ordered by this Corte, and the authority thereof, that the select men of every towne within this iurisdiction shall, before the 24th of June, which shall be in the yeare 1650, shall provide for every fifty souldiers in each towne a barrell of good powder, one hundred and fifty pound of musket bullets, a quarter of a hundred of match, and certify, under their hands, before that time, to the surveyer generall, that they are so provided, under the pœnalty of five pound for the want of every barrell of powder, 150li of bullets, and a quarter of cº of match, as before; and the said select men are hereby authorished by this Courte to assease the inhabitants for makeing this provision, which shall remaine as a towne stock, over and besides all other provision.

The Corte is adiourned to the 17th of the 8th m̊, at 8 of ye clock.

[*242.]

17 October.

*1649. *At a Genrall Corte, at Boston, the 17th of the 8th Mo.*

Leift Gerish.

UPON the petition of Leift Willi: Gerish, it is ordered, that the petitionr should have ye portion of Mary Olivr, ye orphan of John Olivr, in his owne hands, to his owne use for evr, so as he give sufficient security to pay & satisfy ye child, Mary Olivr, at the age of fourteen, one hundred thirty five pounds, ten shillings, in corne or cattell, at currant price, as the late ordr of this Corte pvides for.

Mr Robt Saltonstall.

Mr Robrt Saltonstalls petition for a division, or liberty to recovr in any *any* Corte of iustice what he shall make appeare legally to apptaine to him from the two patents of Swamscote & Dover, in Pascataq Ryver, the Corte doth conceive the petitionr may have liberty to sue & recovr what he can legally pve to be his.

1649.

The Co^rte hath chosen Capt̃ Bridges to ioyne w^th M^r Symonds to receive M^r Dum̃ers account of M^r Nelsons estate, left in his hands by a letter of atturny, by reason that M^r Saltonstall cannot attend to do it, in regard of his intended voyage. 17 October. About M^r Nelsons estate.

Dedham is granted so much land, both meadow & upland, on the western bounds of them, beyond the ryver, so as they erect a village there w^thin one yeare fro^m the 22^th 8^th m̃; & that Capt̃ Keayne, M^r Jackson, & the survey^r gen^rall lay it out at any time, Dedham giving them a weeks warning. Dedham village.

The Co^rte granteth Capt̃ Keayne, M^r Rich^rd Browne, M^r Rich: Parker their request, Capt̃ Keayne to ha' one thousand seaventy foure acres, Rich: Browne to ha' two hundred acres, Rich: Parker foure hundred thirty six acres; to ha' them layd out next to the village granted to Dedham. Ca: Keayne, M^r Ri: Brown, M^r Ri: Parker.

At the request of Wooburne, the Co^rte doth grant liberty & pow^r to Leift̃ Johnson to ioyne such in marriage there as shall be published there, according to lawe, for a yeare. Wooburn.

It is ord^red by this Co^rte, that Ralph Woodward shall have pow^r to marry all such p̃sons at Hingham as shall be lawfully published there, according to ord^r, till the next Gen^rall Co^rte. Hingham.

Upon the petition of Margaret, late wife of John Stoniard, she is granted pow^r to sell & dispose of the house & lands, for y^e paym^t of her husbands debts, & her owne comfortable p̃vision in this time of her weaknes. Widow Stoniard.

Upon the petition of Neweberry, this Co^rte thinketh meete to give & grant Plum Iland to Ipswich, Rowly, & Newberry, viz^s: Ipsw^ch to ha' two parts, Neweberry two p̃ts, & Rowly to ha' one fifth p̃t. Plum Iland.

Upon the petition of Ralph Roote, & Sara, his daughter, for y^e land estated upon her by Edw^d Whitfeild, in Reding, w^ch land we ha' sould to Thom: Taylo^r, of Wat^rtowne, w^ch bargaine & sale is by this Co^rte confirmed. Ralph Roote.

Mary Oliv^r is left to y^e law, unlesse shee put in sufficient security w^thin one month to remove out of this iurisdiction. Mary Oliv^r.

Upon the petition of Samu: Plum^r, ferryman of Newberry, for to ha' 2^d p̃ passing^r, for their transportion, w^ch is granted. Plum^r, ferryman.

Upon the petition of John Dayne, the house & land w^ch was W^m Chamb^rs is settleed upon y^e said Dayne, he haveing paid more debts of Chamb^rs then y^e house & land was worth, & also brought up y^e children of Chandler, w^ch have bene chargable to him. Jn^o Dayne.

Capt̃ Clarke is granted his bill of charges of foure pounds six shillings ag^st John Partridge, w^ch Capt̃ Partridg bound himselfe to p̃forme in 20^t.

M^r Edw^d Rawson haveing resigned up his 500 acres of land form^rly granted him in p̃t of recompence of his damage sustained about y^e salt peeter, M^r Rawson^s sur^r for 30^li.

1649. the Co^rte have thought meete to alow him thirty pounds, in full satisfaction, whereof the five pound form^rly granted is accounted a part.

17 October. 758– Towne order preceeding Courts of force.

The inhabitants of a towne w^thin this iurisdiction, at their first siting downe, did gen^rally agree to set a part a certeine p̃cell of land, to the value of about 20 acres, lying between the salt marsh & the low water marke, for the use of the whole towne, to be imp̃ved for thatch^g houses, the want whereof is very preiuditiall to the towne, since w^ch time this hono^red Gen^rall Co^rte, by an order of

[Here the records cease to be in the handwriting of Secretary Nowell. The remaining pages are by Mr. Rawson, and are probably supplied for decayed originals.]

[*243.] *theirs, haue made all the lands to low water marke to be the proprieto^rs of the land joyning therevnto: the aforesajd inhabitants, not being able to resolue themselues, humbly desire the resolution of this honnoured Court, w^ther the

Courts Resolue. orde^r of the Court make voyd the preceding toune orde^r. The Court doth conceive the Courts orde^r doth not disañull the orde^r of the toune, preceding it.

Time of Mi^dsex Court dayes. It is ordered, that, by this Court, & the authority thereof, that the Court dayes for the county of Midlesex be the first third day of the second mone^th and the first third day of the eighth moneth.

It is ordered, that Edmond Bendall, the officer appointed to gather & receive the custome of all goods imported into our jurisdiction from Plimou^th, Connecticot, & Newhauen, & exported from any part thither, for his due &

Orde^r for customes of goods. better encouragement to see to the execution of that order, shall haue one fowe^rth part of such customes for a recompence for his service therein; and heereby he is & shallbe impowred to call any ayde or assistance, for the performance thereof, as the officer to receive the customes of wines is. Edward Bendall shall haue that allowance, for the service of one yeare to come.

Edward Bendalls Oath.

Edw^d Bendalls oath. Whereas yo^w, Edward Bendall, are chosen customer for the yeare ensuing, yo^w doe heere sweare, by the euer ljving God, that yo^w will, from time to time, faithfully execute you^r best abilitjes, according to the order of customes, for all such goods as are jmported & exported, belonging to Plymouth, Connecticot, & New Hauen, and to give in a true accoun^t to the audito^r gennerall w^thin three moneth^s, from time to tjme. So help yo^w God.

Orde^r for M^r Winsoul^s 100; M^r Jn^o Allen to be p^d 130^li.

It is ordered, that the Tresure^r doe forthwith pay & sattisfy M^r John Allen one hundred & thirty pounds, in the best & soonest pay that comes in to the Tresury out of this levy, for the hundred pounds payd M^r Winslow.

Salisbury y^e shire toun. It is ordered, that Salisbury shall be & heereby is accounted by this Court the shier toune for the county of Norfolke, till this Court shall take further orde^r there abou^ts.

1649.

It is ordered, that in cases wherein there hath bein difference the Gennerall Court should heare the case together, & determine the case by y^e^ major vote.

17 October. Cases of difference trjable at y^e^ Gen^ll^ Court.

The Court, well weighing that by Gods blessing this country & the occasions thereof much to multiply & increase, & that the multiplication of the choyce of office^rs^ on the election day may quickly grow to such a numb^er^ as may proove burthensome to be attended to the seuerall tounes, and therefore desier that it may be commended to the seuerall tounes of this jurisdiction^s^ consideration, whithe^r^ the Secretary were not to be left to the Gennerall Courts choyce, whose honno^r^ is principally concerned therein, then to be chosen by the people, houe\u̅/ that *they referr it the next Court of Election to the Gennerall Court for the next yeare, & so on tryall for the yeare, which if they approove no^t^ of, they may reassume the election thereof to themselues if they please. [*244.]

Choyce of Secretary.

Whereas a booke hath bene presented to this Cour^t^, intituled a Platforme of Church-Discipline out of the Word of God, &c, being the result of what the synod did in their assembling, 1647, at Cambridge, for the consideration & acceptance, the Court doth conceive it meet to be co\u̅/mended to the judicious & pious consideration of the seuerall churches w^th^in this jurisdiction, desiring a returne from them at the next Ge\ñ/ll Court how farr its suiteable to their judgmen^ts^ & approbations, before this Court proceed any furthe^r^ therein.

Platforme of discipline referd to ye church^s^ consideration.

Whereas diuers yeares since Willjam Wilson, who was but the marshalls deputy, did co\u̅/monly make a deputy to se^r^ve attachmen^ts^, executions, &c, there being no law then against it, but eithe^r^ conniued at or not taken notice of by the Cour^t^, which may occasion much trouble and dispute in seuerall Courts concerning the legallity of such proceedings, in case of complaint thereof by any persons, it is therefore heereby ordered, that all su\m̅/ons, attachmen^ts^, executions, levying of fines, &c, performed by such person, so deputed before the law that prohibbits the marshalls deputy to make a deputy, shall be valid and good as if the marshall or his deputy had don the same, where the proceeding in othe^r^ respect hath bene legall & just.

Whereas vpon information given to this Court by those tounes remote from Boston, & other tounes where Courts are kept, that no respect hath bene had to the numb^er^ of persons inhabitting in each toune in the issuing out of warrants for jury men to se^r^ve at Courts, whereby some tounes are eased & oth^rs^ are burdened, for the prevention whereof it is ordered, that from henceforth the clark or secretary of each Court w^th^in this jurisdiction shall, in all their warran^ts^ for jurymen, haue respect to the numb^er^ of the inhabitan^ts^ of each toune, & accordingly shall issue out their warrants that all occasions of complain^ts^ in this kind may be remooued. And it is further ordered, that

Secretary or clarks power to proportion jury men.

Ord^r^ for 4 Quar^tr^ Courts repealled.

1649. 17 October. whereas there hath bene fowe[r] Quarter Cour[ts] held at Boston in euery; that from hencforth there shall be but two only, viz[t], that in the first moneth and that in the seventh mon[th], & the orde[r] that injoynes fowe[r] Quarter Courts in a yeare is in that respect repealed; provided, that it shallbe in the powe[r] of the Goûno[r] (or in default of the Goûno[r] the Deputy Goûno[r]) to call a Court for the tryall of any person in capital cases, that so justice be not deferred, no[r] the country chardged.

[*245.] Orde[r] to print the lawes. *The Court, finding by experience the great benefit that doth redound to the country by putting of the law in print, doe conceive it very requisit that those lawes also that haue passed the consent of the Gennerall Court since the booke of lawes were in printing or printed should be forthwith comitted to the presse, and for that end appoint Richard Bellingham, Esq[r], M[r] Nowell, M[r] Audito[r] Gennerall, Capt Keayne, & M[r] Hill, or any three of them, a comittee for to prepare them against the Court of Election, that, vpon approbation of the retourn of the comittee, they also may be printed, as also therewith to prepare those lawes referred to in the end of the printed lawes, w[th] a suitable table, to be printed.

Prises of corn to y[e] country rate. It is ordered, that the prizes of all sorts of graine for this yeare, out of any of which the inhabitan[ts] of this jurisdiction may sattisfy the country levy, shall be, wheate, at fiue shillings, barly at fiue shillings six pence; pease & rje, foure shillings; Indian corne, three shillings.

Good beare to be prouided by all victuallers, &c. It is ordered by this Court, that euery victualler or ordinary tav[r]ner shall alwayes, after the first of March next, be prouided of good and wholesome beare, for the enterteinment of strainge[r]s, who, for want thereof, are necessitated to too much needless expence in wine; and whateuer ordinary victualler or taverne[r] shall not be prouided from time to time of good, wholesome beare, for the enterteinmen[t] of strangers, & for the prevention of other needless expenses, they shall forfeite for the first offence forty shillings, & for the second offence they shall forfeite their licences.

766– Forasmuch as the orde[r]ly choyce of Assistants yearely is of great concernment, and with all care & circumspection to be attended, it is therefore ordered by this Court & the authority thereof, that the constables of each toune w[th]in this jurisdiction shall call together their freemen some day in the last week of the ninth moneth, yearely, to give in their votes, in distinct pape[r]s, for such persons, being freemen and residant in this jurisdiction, as well the magistrates in present being as othe[r]s, as they desire to haue chosen Assistants at the nex[t] Court of Election, not exceeding the numbe[r] of twenty, & that no freeman shall put in aboue one vote for one person, vnde[r] the pœnalty of tenn pounds for euery offence; and the sajd freemen to meet, or

the majo^r^ part of them, shall then & there appoint one to carry their votes sealed vp vnto their sheire tounes vpon the last fowe^r^th day in the weeke in the first moneth following, at twelue of the clocke, from time to tjme; which persons so assembled for each toune shall choose one co̅missione^r^ for each sheire to carry them to Boston the second third day of the seccond moneth, there to be opened in the presence of one or two majestrates, if they be in toune; if otherwise, by those fowe^r^ persons that brought them; & those eighteene that haue most votes shall be the *men, and they only, which shall be nominated at the Court of Election for Assistants as aforesajd; and the co̅missione^rs^ of each sheire shall forthwith signify to the constables of their seuerall tounes within their sheire, in writting, vnder their hands, the names of those twenty; and as any haue more votes then other, so shall they be nominated, except su^ch^ of those twenty who haue bene magistrates the yeare before, who shall haue precedency of all othe^r^s in nomination, on the day of election; and if any person intrusted in this orde^r^ shall fajle in the discharging of their trust, they shall forfeite tenn pounds; and the printed law for elections in page 21, bearing date 1647, is heereby repealled.

1649. 17 October. [*246.] Choyce of Assistants

Whereas it is found, by two often experience, that, some men dying and making wills, the sajd wills are conccalled, & not prooved & recorded, &, othe^r^s dying intestate, no ad̃mistration is sought for nor granted, and yet, in either case, the wiues, children, kindred, or freinds of the deceased, or some othe^r^, doe enter vpon the lands, & possess themselues of the goods, of the sajd deceased, & the same are many times sould or wasted, before any credito^r^ to whom the decease was jndebted know of whom to demand, or how to recouer, their just debts, for prevention of such vnjust & fraudulent dealings, —

Probate^s^ of wills.

It is therefore ordered & enacted, by the authority of this Court, that if any executo^r^, knowing thereof, shall no^t^, at the next Court of that county, w^ch^ shall be about thirty dayes after the decease of the party, after the publication of this orde^r^, make probate of any will heeretofore made of any deceased party, or shall not cause the same to be recorded by the recorde^r^ of the county where the said deceased dwelt, or shall not, w^th^in the same time, take ad̃mistration, if none hath binn already granted, of such goods as he hath or shall medle w^th^all of any party formerly deceased; or if any person or person^s^ shall heereafter alljene or imbezill any lands or goods before they haue recorded the will of the deceased, or taken administration, or brought in a true inventory of all the knowne lands, goods, & debts of any such person, euery such person shall respectively be ljable to be sued, & shall be bound to pay all such debts as the deceased party owed, whither the estate of the deceased party were sufficient to discharge the same or not; and shall also forfeit to the

Admi^s^tration to be granted.

1649. 17 October. [*247.]

comonwealth so many sumes of fiue pounds as shall happen to be moneth^s^ betweene the next^t^ Court, as aforesajd, of that jurisdiction, after the time of the death of the deceased party, & the prooving of such will, or taking of such admistration. And if any *party shall renounce his executo^r^ship, or that none of the kindred or freinds of the deceased person who shall dye jntestate shall seeke for admistration of such persons estate, then this Court ordc^rs^ & enacts, that the clarke of the writts of such toune where any such person shall dye shall, w^th^in one moneth after his decease, give notice to the Court of that county to which such toune doth belong of such renouncing of executo^r^ship, or not seeking for admistration, that so the Court may take such orde^r^ therein as they shall thinke meete, who shall allow such clarke due recompence for his pajnes. And if any such clarke shall fajle heerin, he shall forfeite twenty shillings for euery moneth of his so fayling, vntill he shall haue fullfilled the same.

Tres^r^ to x to survey^r^ genll, &c.

It is ordered, that the Tresure^r^ pay, or cause to be payd, the sume of thirty two pounds fowe^r^teen shillings to the su^r^vejo^r^ genne^r^all, or James Penn, who are engaged for the payment of the same to the workemen that wrought at the prison; this to be pajd out of the first corne that can be collected in these rates; & because they are engaged to pay thirteen pounds ten shillings in money, the Tresure^r^ is desired eithe^r^ to disburse the money, or deliuer vnto them so much of the best sort of corne as may procure so much money, that so they may be enabled to sattisfy their engagements for the country.

Whereas the survejo^r^ genne^r^all & James Penn are jntreated to treate w^th^ some merchants for the procuring of two hundred pounds worth of poud^r^, it is hereby ordered & declared, that what euer contract or agreement the sajd partjes shall make w^th^ any merchant for the end aforesajd, the Genne^r^all Court are engaged to make good, in all particular^s^.

MISCELLANEOUS RECORDS.

MISCELLANEOUS ENTRIES CONTAINED IN THE SECOND VOLUME OF RECORDS.

Freemen of the Colony of the Massachusetts Bay in New England, 1642—1649.

[In the second volume of Records the names of such as took the oath of freemen, with the exception of those of 1642, are marginal entries. All are in the handwriting of Secretary Nowell.]

*Made free the 18 : 3 Mº, 1642. 1642.

18 May. [*18.]

Mr Francis Norton,
John Withman,
Gawdye James,
John March,
Robt Button,
Benia : Vermaes,
Thom : Antrum,
Michaell Shaflin,
Thom : Putman,
John Cooke,
Phineas Fiske,
Willia : Fiske,
James Fiske,
George Byam,
Richd Bishope,
Allen Kenniston,
Elias Stileman,
John Tomkins, qu.,
Ananias Conkling,
John Neale,
John Bulfinch,
Joseph Boyse,
Samu : Grimes,
Theodo : Atkinson,
Robt Bradford,
Hugh Williams,
Richd Crithley,
John Guttering,
John Ingoldsbey,
Robert Howen,
Thoma : Snowe,
Thoma : Foster,
Dani : Briskoe,
John Search,
John Baker,
Richd Knight,
Richd Tayler,
Philip Tayler,
John Bulkeley,
Edward Okes,
Thom : Okes,
Edward Gooding,
Sampson Shore,
Willi : Torry,
John Coggan, Iuni :,
John Clough,
John Witherell,
Samu : Thatcher,
John Hill.
Richd Wody,
John Mathis,
Willi : Lewes,
Richd Taylor,
Edward Carleton,
Humphrey Reynr,
Hugh Smith,
Hugh Chapline,
Richd Lowder,
John Burrage,
Solomon Phips,
John Greene,
Isaack Comins,
Allen Pearley,
Thom : Thackster,
Willi : Ripley,
Mathewe Hawkes,
Hugh Prichard,
Thom : Lincolne,
John Stoder,
Willi : Robinson,
Robert Peirce,
Thom : Davenport,

1642. Richrd Baker, Robert Pond, John Rigbey, George Right, Thom: Blisse, Benia: Albey, Roger Bancroft, Richrd Eckels, John Cooper, John Tomkins, qu:, Willi: Dickson, Moses Wheat, Robrt Edwards, Thomas Bateman, Willi: Aline, Thom: Wheller, Willi: Hartwell, John Stevens, Willi: Stevens, Antho: Somersbey, Henry Somersbey, Willi: Berry, Samu: Guil, Abell Hews, John Swett, Peter Woodward, John Brock, Natha: Whiteing, Micha: Metcalfe, Robrt Page, Franc: Pebody, Isaack Perkins, Thom: Worde, Henry Ambros, Walter Ropper, Henry Kibbey, David Zullesh.

18 May.

19. [May, 1642.]

19 May. John Sadler, Walter Tybbot, Obedi: Brewen, Willi: Hilton, Willi: Walderne.

22: 4 Mo made free.

22 June. Henry Palmer, Joseph Peaseley, Richrd Pid, Willi: Titcombe, Willi: White, Thomas Dowe.

11 August. The 11th of the 6th m, 1642, Mr Willi: Pinchen tooke his oath before the Gour, Mr Dudley, &c.

14 September. 1642, 14: 7 m, Thom: Het was made free.

21 September. 21th 7th, Willi: English is admitt. a freeman of this iurisdiction.

27 December. 27th 10th m, 1642, made free at Salem. Walter Price, Robrt Gutch, George Gardner, Richrd Prence, Robrt Leoman, Thom: More, Thom: Tresler, Willi: Robinson, Hugh Cawkin.

1642-3. 28th 12th m, 1642. 28 February. Thom: Edwards, John Kitchin, Henry Harwood.

[*27.] 28 February. *Made free at the 2d Session of Salem Cort, the 28: 12 m, 42. Rich: More, Hugh Stacye, Thom: Avery, Edwd Beachamp.

1643. Made free the 10th 3th m, 1643.

10 May. [*28.] Mr Thom: Wallis, John Scot, Isaack Wheeler, John Ward, Andrew Lister, *Thom: Goodnow, Robrt Dants, Henry Looker, John Parmenter, Willi: Ward, John Newton, John Thurston,

Christo : Smyth.
John Guile,
John Plunton,
John Knights,
John Jackson,
Nathan Fiske,
Geo : Parkhurst,
John Pratt,
Thom : Beard,
John Arnol,
John Hollister,
James Prest,
Nicho : White,
Jeffry Turner,
Willi : Turner,
Rodgr Billindg,
Laurence Smyth,
Willi : Ware,
Rich : Evans,
Willi : Trescot,
John Gurnell,
Henry Woodworth,

Nathani : Howrd,
Rich : Way,
Rob : Williams,
John Mansfeild,
Francẽ James,
Robrt Proctor,
Willi : Fletchr,
Willi : Vincen,
John Woode,
Hen : Bridgham,
Robrt Mader,
Geo : Barrell,
Rich : Rawlen,
Strong Furnell,
John Sandrbant,
Isa : Colimer,
Willi : Blanton,
Miles Tarne,
Natha : Norcross,
James Morgan,
Robrt Pepp,
Rich : Hildrick,

Edwd Sheopard,
Dan : Stone,
Tho : Danforth,
Andr : Stephenson,
Willi : Manning,
Henry Symons,
John Tydd,
John Wright,
Benia : Butterfeild,
Edwd Winn,
Nicho : White,
John Hollister,
James Prest,
John Albye,
Peter Bracket,
Natha : Herman,
Sam : Adams,
John Hastings,
John Whetley,
Willi : Phese,
John Shephard,
Tho : Adams.

1643.
10 May.

*Made free the 29th 3th m, 1644.

Cap : Dan : Gookens,
Faithfull Rouse,
Robrt Leach,
Faintnot Wines,
Willi : Bachiler,
Willi : Smith,
Willi : Green,
Robrt Feild,
Thom : Marshall,
Roger Toule,
Edwd Witheredge,
Tymo : Prout,
Geo : Spere,
Symon Bird,
Hen : Powning,
Thom : Webster,

Robrt Gowing,
John Lake,
Thom : Trot,
John French,
Rich : Haule,
Nicho : Boulton,
Henry Cunlithe,
Natha : Partridge,
Tho : Dyer,
Edwa : Wilder,
Jos : Phippen,
John Blacke,
Jasp Rush,
John Gay,
Rich : Goard,

John Smeedly,
Thom : Fox,
Baptize Smeedly,
Ste : Streete,
John Maynard,
Philip Tory,
Richrd Wooddy,
Edmo Shefeild,
Lewes Joanes,
Tho : Chambrlin,
John Russell,
Allen Convrse,
Lambrt Sutton,
John Carter,
James Parkr.

1644.
29 May.
[*53.]

*3 m, 1645, made free.

Harbrt Pelham,
Joseph Hill,
Mathewe Smith,

Abrahamm Hawkins,
Abra : Hackburne,
Sam : Fellows,

George Halsall,
Abr : Parker,
George Davies,

1645.
May.
[*78.]

1645. May.

Rich: Newberry, Natha: Bishop, John Stimson, Thom: Line, Antho: Fisher, Thom: Richards, Willi: Pardon, Thom: Holbrooke, George Allen, Willi: Davies, John Jones, stud:, Sam: Stowe, Edwd Jackson, Nicho: Wife, [*79.] John Watson, Hugh Griffin, John Langford, Rich: Newton, John Toll, Jeremy More, Peetr Aspinwall, Edwd Wyat, Rich: Leeds, James Umphryes,

Rich: Blacke, James Nash, Benia: Thwinge, Samu: Davies, Rich: Bullock, Abr: Harding, Christo: Webbe, Thom: Barrill, John Morly, Henry Blacke, Edwd Gilman, Lambrt Genery, John Gaye, Sam: Miles, John Daming, Ralph Day, Micha: Medcalfe, Sam: Sendall, Wm Hely, Hen: Firnam, Thom: Roberts, Robrt Jenison, John Warren,

Edwd Devotion, Hen: Chambrline, Vincent Ruth, Thom: Barnes, Joseph Undrwood, Hen: Evance, John Fownell, Sam: Bright, Willi: Wenbane, John Bird, Harman Atwood, Natha: Greene, Francẽ Grissell, John Rydeot, *Wm Parsons, Thom: Thacher, Robrt Longe, Thom: Reeves, Nicho: Chelett, Georg: Dowdy, Hen: Aldridge, Willi: Patten, Eliiah Corlet.

*Made free ye 6th 3th m̃, 1646.

1646. 6 May. [*124.]

Mathew Day, John Lewes, Nathani: Hadlock, John Hill, Fran: Heman, John Gingen, John Haynes, John Looker, Tho: Buckmr, Alex: Baker, Thom: Collier,

Thom: Gardnr, Ben: Crispe, Wm Pary, Wm Dawes, Hen: Modsley, Joel Jenkins, Henry Thorpe, Geo: Woodward, Charles Sternes, John Wincoll,

Willi: Duglas, Peter Place, John Collens, Rich: Everad, Josua Kent, Robrt Onion, Andrew Dewing, Antho: Fisher, Tho: Joanes, Isa: Walker.

*Made free 26th 3th m̃, 1647.

1647. 26 May. [*162.] [*163.]

Isa: Larned, John Wyman, Dani: Bacon, Ralph Hill, Rich: Curtesse, John Clepp, *Ro: Chaulkly,

James Green, Tho: Cartr, Iu:, Mighil Smith, Manus Sally, James Pike, Richrd Harrington, Sam: Carter,

John Wayte, Law: Dowse, Wm Bridges, Edwd White, Mr John Wilson, Wm Harvy, Wm Kerly,

1647.

Rich: Neuton, Jonah Clooke, John Metcalfe,
Thom: Tayer, Thom: Huit, John Bakon,
John Nyles, John Smith, Henry Wight,
John Stebben, Bartho: Chevr, James Allen,
John Whitny, Iu:, John Miriam, Natha: Adams,
Moses Payne, Franč Kendall, Wm Holbrooke,
David Fiske, Wm Cotton, Thom: Dun,
David Stone, George Muniov, Thom: Foster,
Philip Cooke, Rich: Hassall, Thom: Prat,
John Harris, Wm Butrick, Robt Rendell,
Thom: Boyden, Geo: Barber, Tho: Poget,
Samu: Danford, Ro: Wares, Geo: Davies,
Willi: Ames, Thom: Jordan, John Peirson.
Dani: Kempster,

*Made free at Springfeild, 13th 2 m̊, 1648.

1648.

13 April.
[*201.]

John Pynchon, Henry Burt, Samu: Wright,
Elitzar Holioak, Roger Prichard, Willi: Branch.

*Made free the 10th of the 3d m̊, 1648.

[*202.]
10 May.

Mr Edwd Denison, Willi: Daniell, Mr Sam: Mather,
Georg: Denison, Rich: Hardier, Alex: Adams,
Thom: Osburne, Wm Needam, John Staple,
Benia: Negus, Samu: Basse, Benia: Negus,
Thom: Hartshorn, John Chickly, Henry Allen,
Thom: Kendall, James Pemberton, John Peerce,
Wm Hooper, Philem: Whale, Symon Tomson,
Edwd Tayler, Henry Rice, Bartho: Persune.
Rich: Holbrooke, Mr Sam: Danforth,

*1649, the 5th 2d m̊, made free at Springfeild.

1649.

3 April.
[*227.]
3 May.

Thom: Cooper, Griffin Jones, David Chapin.

Made free the 2d of the 3d m̊.

Mr Willi: Browne, Garret Church, Corneli: Fisher,
Joseph Farnworth, Josua Stubbs, John Blanchard,
Robt Brick, John Butler, John Hull,
John Maynard, John Turner, John Harwood,
Alexandr Feild, Thom: Sacetell, Willi: Merriam,
Jona: Michell, Samu: Hides, Nathani: Sternes,
Samu: Haward, Thom: Baker, Peter Lyon.
Robt Browne, *Josua Fisher,

[*228.]

3: 3 m̊ made free, John Ward.

3 May.

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GENERAL INDEX.

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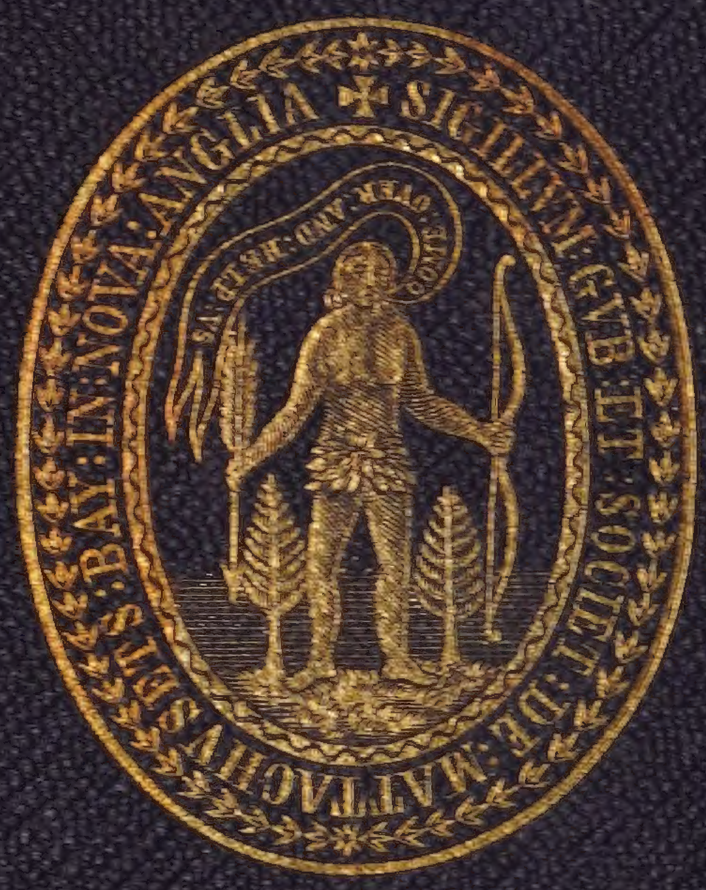
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